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URBAN DEMOCRACY

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INTRODUCTION

There are many books on city government and there will be many more as the years go on, for city government is the most plastic and the most rapidly changing of contemporary political institutions. In keeping with the modern tendency toward the multiplication and specialization of courses of study, during the last few years a number of exceptionally fine text-books have been produced dealing with special divisions or phases of the subject of municipal government. Some have chosen to confine themselves to the field of politics and governmental structure; others have restricted themselves to the field of administration; still others have limited themselves to the field of European city government or to that of American city government. This trend toward specialization is made inevitable by the increasing number of students electing to concentrate in political science and to pursue graduate studies in that field. For such students the advanced and highly specialized text-book is exceedingly helpful, if not absolutely necessary.

The present book has a very different purpose. Most colleges find it impossible to offer a highly specialized list of courses in municipal government. If the subject is taught at all, there is of necessity but a single course, which must be of a general and somewhat elementary nature. Such courses must be more extensive than intensive, and must aim to serve the needs of the student who is not specializing in political science as well as the needs of the student who is majoring in it. The present volume is designed as a text-book for that kind of course. It deals with municipal government as a problem of democracy. It treats both American and European municipal institutions and practices, though not in the conventionally comparative way. The object of the book is to focus attention on a limited number of fundamental municipal problems and to present both American and European experience with reference to these problems.

The book does not pretend to be an exhaustive treatise, but merely a convenient introductory manual for the student. For

supplementary reading a brief list of selected references is appended to each chapter. A much longer list might have been given in each case, but it was thought best to include only recent books and only such of those as are likely to be available in every college library. Appended to each chapter, also, is a brief list of suggested questions and problems for discussion. These, of course, are merely examples of scores of similar queries which might be propounded. Experience has shown that questions and problems of this nature propounded at the time a reading assignment is given will engender a spontaneity of interest and discussion that the ancient probing type of quiz rarely produces. It is for the purpose of suggesting that method of procedure that a few illustrative questions and problems have been added to each chapter. The combined ingenuity of teachers and students will undoubtedly suggest many more.

C. C. M.

Whitman College
May 2, 1929

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URBAN DEMOCRACY

CHAPTER I

WHAT IS A CITY?

A city is something not made with hands. It is true that the visible evidences of the existence of a city are the brick, stone, and steel of the marvelous structures through and about which the pulsating life of the city ceaselessly ebbs and flows. But these things are merely tangible manifestations of an intangible reality. A city consists of things seen and things unseen, and it is the things unseen that really determine the character of the city.

Things seen and things unseen

The things seen in a city are people, structures, and vast quantities of chattels; but these things do not make a city. You might assemble on a small tract of land any conceivable number of persons, house them in structures perfectly typical of city life, and make them possessors of all the chattels customarily found in cities; but you could not thereby create a city. Cities are not founded; they grow. Men have often founded settlements which have grown into cities, but they have just as often founded settlements which, failing to become cities, have promptly vanished from the face of the earth. The history of humanity is replete with abortive attempts to establish cities which have refused to spring into existence at the mandate of the founder. No man ever built a city, and no man ever will. The reason is that a city is a community, and a community is something which evolves out of the interplay of forces that are not subservient to the conscious direction of the individual will.

No one has been able to enumerate all of the forces which enter into the formation of communities, but it is not difficult to describe their results. A community is formed when human beings associate in a common life and destiny to such an extent that they are by this fact differentiated from all other aggregations of people. They desire, as a rule, to dwell together on a common territory, to enjoy mutual intercourse in social and economic relations, to acknowledge a common his-

tory, and to have a common government. Each individual develops a conscious or subconscious feeling that his life is part of a common whole which is unique and perhaps superior to all others.

The social foundations of community life

Of course there were communities before there were cities. The family was probably the first community developed by the race, and the family in turn expanded and developed into primitive pastoral or agricultural tribes. But the nature of pastoral or agricultural life is such that it tends to weaken the cohesive force of community feeling. The individual in a pastoral or agricultural economy is more or less isolated, and is subject to influences which counteract the stimuli to thought and action which originate through association with others. A real community must have such a common habitation and a continuity of associative intercourse as will foster the spirit of unity and the feeling of singularity that are indispensable to the development and maintenance of a consciousness of community.

The bringing together of large numbers of people on a small and compact area supplies the common habitation. If the circumstances of life in this common habitation are such as to involve the inhabitants in continuous relations of a social, economic, and political character; if the inhabitants have perhaps a common racial and religious heritage; if time, tradition, or mythology produce for them a common history, then there is sure to arise a prepotent consciousness of unity, a passionate spirit of social coexistence, which is the inward and unseen essence of a city.

The forces which make a city

To speak, therefore, of the soul of a city is more than just to utter a euphonious phrase. Literally speaking, it may not be true that a city has a soul, but there is undeniably in every city a vitality of community consciousness that tends to produce a distinct spirit and individuality. Every observant traveler is aware of this. Despite similarities of race, religion, culture, social and economic background, no two cities are absolutely alike. Paris, Lyons, Marseilles — alike, yet how different! London, Liverpool, Manchester — British to the core, but each possessed of an indefinable flavor of individuality. New York, New Orleans, San Francisco — sister cities in every external respect, but remarkable for their differences as much as for their resemblances. Contemporary critics of American life are wont to bemoan the drab uniformity and monotony of American cities. With biting sarcasm they deride

The individuality of cities

our standardization of street layout, of public and private architecture, of modes of living and doing business. In a measure perhaps they are right, but their criticisms are often superficial. Two cities could not be more alike in externals than Cleveland and Detroit. They have practically the same economic background; both are begrimed by a pall of soft coal smoke; the same heterogeneous industrial population is found in both, and the same swanky bourgeoisie; industrial plants, skyscrapers, apartment houses, and slums are similarly stereotyped in both; the same din and clamor characterizes the daily life of both. Despite these similarities of feature, every person who has tarried long enough in these two cities to know them will admit that somehow they are different. Detroit is Detroit and Cleveland is Cleveland, and if by the waving of a magic wand the populations of the two cities could be exchanged, leaving all else untouched, neither city would be what it was before. For the truth is that a city is not simply associated human beings plus topographical, social, economic, and political factors; it is all of these things woven together as a fabric of indescribable complexity, as mysterious and marvelous as life itself.

The causal factors of city growth

Very seldom is a city brought into being by the operation of a single force. The truth of this assertion is proclaimed by the story of almost every city the world has ever known. At some time in the past, and for some compelling reason, a large number of persons has been compactly settled upon a very small segment of the earth's surface. Various forces have then conspired to multiply the number of inhabitants far out of proportion to the extension of the area upon which they have taken up their residence. Activities necessarily carried on in common and daily mutual intercourse have combined to produce a powerful and persistent feeling of unity and more or less systematic arrangements for carrying on the common life. Finally, time, acting as a great alembic, has synthesized these various forces and thus has produced a city.

1. Defense

Anthropologists and historians are generally of the opinion that the germinal causes of city growth in the ancient world were defense and religion. When people abandon a hunting or pastoral economy and settle down to obtain a livelihood by agriculture or trade, they have need of a means of defense to make it difficult to oust them from the locality which they have chosen to occupy and hold as their own. The most obvious ex-

pedient is the fortress or citadel. Just as the early settlers of the American frontier were obliged to establish their settlements in the vicinity of a stockade or fort behind which they might take refuge in case of attacks by Indians, so the traders or agriculturists of prehistoric days were obliged to have a stronghold which would enable them to resist the attacks of their enemies. A suitable site was selected and surrounded by walled fortifications. Behind these defenses the people had their dwellings, or if they did not actually take up their abode within the walls, they lived near enough to take refuge there in times of danger. This probably was the primary incentive to city-building, but religion was often closely linked with it. People having a racial affinity and a common tradition were likely to possess a common religion. There would be a natural tendency for them to gather in close proximity to sacred places and sacred objects, such as shrines, temples, and idols, and to defend them against profanation. The heart of the citadel was the holy of holies, and people gathered within and about the walls of the city not only to protect themselves and their property but also to protect their most hallowed and sacrosanct possessions.

2. Religion

Factors such as these may account for the beginnings of cities, but they do not explain the transformation of an urban settlement into a gigantic hive of social activity. The powers which accomplish that miraculous metamorphosis are commerce and industry. An urban community may be ideally located for purposes of defense and well suited to the needs of religion, but unless it is strategically placed with reference to trade routes and industrial resources it will never become a great city. The fortunes of cities vary directly with the shifting tides of trade and industry. Cities grow and decline, rise and fall, as the circumstances of economic life dictate. The precise location of each city and the extent of its development are matters that are largely determined by the fickle gods of business. The discovery or development of new trade routes spells doom for cities that have flourished along the line of old trade routes; the development of railways ruins cities whose prosperity has been dependent upon canal or river navigation; the evolution of new industrial processes undermines the position of cities whose fortunes are dependent upon old industrial processes. Aside from commerce and industry the most powerful agency in the upbuilding of cities has been the political life of man. Government means centralization; the process of

3. Commerce and industry

government is the kind of thing that of necessity radiates from centers of population, and can be carried on in no other way. Since the conduct of government involves large numbers of persons, it follows inevitably that when a place becomes a governmental center its growth is bound to be greatly stimulated. The greatness of Rome is to be attributed as much to the fact that she was the nucleus of a world empire as to the magnitude of her trade and industry. The same thing may be said of other political centers, from imperial capitals to the meanest county or provincial seat in the world.

4. Government

These explanations of city growth are good as far as they go, but they do not penetrate the deeper mystery of the social evolution by virtue of which a vast multitude of human beings is transformed into an organic collectivity. If, as we believe, a city is something more than a human hodge-podge — if it is a thing that vibrates with organized, orderly, functionalized life — how has this come to be? Science has not yet made it possible to answer that question finally and perfectly. Before that can be done the researches of the sociologist, the psychologist, the anthropologist, and the biologist must be carried far beyond their present limits. We know, of course, that human nature is adaptable, and capable of accommodating itself to varying environmental conditions. We know also that the behavior of each individual — his entire pattern of life, in fact — is determined by neurological reactions to the complex array of stimuli, both internal and external, which set in motion his response mechanisms. We know further that behavior of individuals in the mass is determined in the same way except that the affecting stimuli are enormously complicated by the fact that the behavior of each individual in a mass of individuals is influenced by his contacts with other individuals. So we may say that the characteristics of individual and of social behavior are both determined by the number, variety, potence, and mutual interaction of the stimuli which affect the individual. A constant or frequent repetition of certain stimuli and their characteristic responses tends to beget habitual conduct, and habitual conduct on the part of large numbers of associated individuals tends to produce what, for the want of a better name, we call social institutions.

What causes the social integration of the city?

Now it is an obvious fact that congestion of population must inevitably produce conditions of both a physical and a social character which will stimulate behavior such as would not oc-

cur under other circumstances. The constant and intimate contact of the individual with many others of his own kind, the unavoidable community of life and interests arising from such contacts, the necessity for division of labor and thus for coöperation in business and industrial life — these and many similar conditions which are inherent in the city have the effect of socializing the behavior of individuals and masses of individuals who live under urban conditions. In other words, they tend to think and act as though they were particles of an organic whole. When this social-mindedness reaches the point where it serves as a bond to hold people together and to differentiate them from all other masses of people, they may be said to have become a real community.

Let us not suppose, however, that our recourse to social psychology has given us a complete explanation of the nature of a city. The best that can be said, perhaps, is that it has thrown some light upon the processes of social evolution and has enabled us to perceive that the city is essentially a social institution with economic, political, and historic foundations.

Selected References

N. Anderson and E. C. Lindeman, *Urban Sociology,* Chap. I.
F. G. Goodnow and F. G. Bates, *Municipal Government,* pp. 3–24.

Questions and Problems for Discussion

1. Study the origins of your own city and several others in the same region. Why do they happen to be situated upon the precise tracts of land now occupied by them? What brought about the original settlement? What different forces have accelerated or retarded their growth? What future can you predict for them?

2. In what ways do you conceive that the " community spirit " of your city differs from that of neighboring cities? Are these differences imaginary or real? If you think them real, cite evidence to prove your contention.

CHAPTER II

THE CITY AS A FACTOR IN CIVILIZATION

The story of civilization in every age and in every part of the world is a story of cities. Most that is important in the history of any civilization can be learned from the history of its cities. He who would penetrate the mysterious depths of ancient Egyptian civilization must master the history of Memphis, Thebes, and other great urban centers in the great mother of western cultures. For the story of the vanished civilizations of the Euphrates Valley one must go to Ur and Babylon; to learn why "The Assyrian came down like a wolf on the fold" it is necessary to delve into the history of Assur and Nineveh; to appreciate the marvels of ancient Persia one must read the chronicles of Ecbatana and Susa; to follow the story of Phoenician culture and civilization calls for an understanding of the rise and fall of Tyre, Sidon, and later Carthage; to comprehend the sublime tragedy of Hebrew civilization one need know little more than the history of Jerusalem. "The glory that was Greece and the grandeur that was Rome" — what are they but the vanished glories of Athens, Corinth, Sparta, Miletus, Syracuse, Rome, Ravenna, Byzantium, and other great cities of the Hellenic and Latin worlds? What is there in Islamic civilization that may not be told in the histories of such cities as Bagdad, Mecca, Medina, and Constantinople? Would there have been any Italian civilization in the Middle Ages without Florence, Naples, Venice, Genoa, Pisa, and other cities renowned in song and story? Have not the venerable civilizations of China and India grown up in thousands of villages and cities nameless and unknown to the western world? And what of our own time? Does not our own mighty civilization revolve about such urban centers as Paris, London, New York, Berlin, Moscow, and a host of others?

The story of civilization is a story of cities.

It requires no special acumen to understand why the city has been the cradle of civilization. Scientists are in sharp disagreement on the question of whether there are any truly inherent

qualities in the human mind; but all are agreed that, innate or learned as the case may be, those human attributes which we call mind are profoundly influenced by environmental factors. An isolated individual has scant opportunity to expand his innate qualities or to learn by experience. A person living in a pastoral or agricultural state of society is subject to fewer stimuli which might develop mental agility than is the person living under urban conditions. When large numbers of people dwell together in intimate daily contact, conditions are ideal for the evocation of whatever capacities human nature may possess. The city dweller is continuously subject to innumerably varied stimuli to thought and action; his fund of experience is immeasurably enriched by his contacts with other persons; he finds ample opportunity for the employment of such special talents as he may possess; and he also develops needs and desires which an isolated individual could not have. These things being true, it is not surprising that the city has been the great fountain head of civilization.

Why civilization has been nourished in cities

The growth of the mind occurs more readily in the city than in the country, not because men will it but because they cannot help it. Fundamentally the mental equipment of the country dweller is just as good as that of the city man, but he is not surrounded by circumstances which compel him to utilize his mental powers as extensively as the city man must in order to survive. This explains why the city always leads in intellectual, scientific, and aesthetic progress. A few examples will make the case plain.

The city and the mental development of mankind

Nothing has been more fundamental in the advancement of civilization than the art of writing. Graphic representation of ideas by signs and symbols is as old as the cave man, but systematic alphabets are almost invariably a product of the city. Why? The answer is obvious. Recorded speech is more than a convenience in the city; it is a necessity. The hunter or the agriculturist, especially under primitive conditions, could get along very well without writing, but the city man was forced to invent a system of writing in order to carry on the complex transactions of city life. The science of mathematics has had a similar history. All primitive peoples can count, and some of them have developed rude systems of numeration. But mathematics is of city origin. The commercial and technological activities of city life demanded mathematics, and the people of the cities developed mathematics to meet the demand. In truth

Writing

Mathematics

it might be said that virtually all the technological progress of mankind has come in response to the urgent demands of city life. What need have a pastoral or agricultural people of such things as skyscrapers, aqueducts, steam engines, and dynamos? What need could such people ever have of the so-called refinements of civilization? Technology

In the sphere of intellectual creation the story is the same. It takes the clash of mind with mind and the stimulation of contact with other minds to produce philosophies and systems of thought. Contrary to the popular caricature, the philosopher is not a recluse. The greatest philosophies the world has ever known were evolved on the street-corners of ancient Athens. Philosophy

The city must also be credited with most of the aesthetic achievements of mankind. Talent for drawing, painting, carving, and making music is found among all primitive peoples; but no great art has arisen until they have adopted an urban mode of life. Art cannot be produced until conditions are such that persons of artistic impulses and abilities can devote themselves wholly to artistic work. The division of labor, which is a characteristic feature of urban society, makes an artistic career possible; no such thing is feasible in pastoral or agricultural society. The refinements of city life create a demand for works of art which is certainly not to be found in rural society. Furthermore, the city, by facilitating the contact of artist with artist, stimulates native artistic impulses and produces comparative standards for determining the excellence of artistic productions. Only in the city do we find art collections, galleries, museums, monuments, orchestras, operas, choruses, theaters, and other things essential to the development of art. Aesthetics

Education is another requisite of civilization that is preeminently a city product. In rural or pastoral life little education is needed in addition to that gained by experience, and parental instruction readily supplies what experience does not. The range and intensity of city life are such that extensive formal education is indispensable. Instruction in the home is entirely inadequate for this purpose, and in a rapidly changing environment experience is not always the best teacher. The city requires specialization in education as in other things, and this necessitates teachers, schools, colleges, and universities. For whatever these institutions have contributed to the advancement of humanity the city deserves large credit. Education

No ingredient of civilization owes more to the city than religion. Not that religion originates in the city. Religious tendencies are so deeply imbedded in human nature that not even the learned doctors of divinity can agree upon the question of their origin; but there can be no doubt at all as to the development of religion as a social institution. That is clearly a by-product of city life. Organized religious activity revolves about the city. Churches, temples, priestly and clerical establishments all grow out of the conditions of city life, and would be impossible in a purely rural state of society. Jesus was a countryman, but His ministry took Him to the city, and it was in the city that His career reached its climax. The Christian church was founded in the city, and its initial progress was confined almost entirely to urban centers. The letters and epistles of Paul were addressed not to country people, but to members of the Christian fellowship in such cities as Rome, Ephesus, Corinth, Philippi, and Colosse. The spread of Christianity has been accomplished almost entirely by radiation from urban centers.

Religion

The examples just cited not only demonstrate the enormous influence of the city in the nurture and advancement of civilization, but they also show that the city is a decisive factor in sustaining and perpetuating civilizations. The decline or destruction of cities, whatever the cause, has always resulted in a decline and decay of civilization. The reason is not far to seek. Civilization is a synthetic product, an outgrowth of the interaction of complex sociological factors which can operate only under urban conditions. A people without cities cannot achieve a high civilization; and when the pulse of urban life grows weak, civilization languishes and crumbles. No one who has studied the rise and fall of the old civilizations can have failed to note the coincidence of urban decay and declining civilization. And no one who has observingly followed the course of modern civilization can have failed to note the flood and ebb of the tide in perfect step with the periodicities of urban progress. Whatever we are or are to be is irrevocably determined by what our cities are or may become. In the city of today we have the mainstay of the present order of society and the only hope of a better order of society for generations to come.

The city is the mainstay of civilization.

One may disagree with the Spenglerian theory of culture cycles, but no one will doubt the validity of Spengler's dictum that the city is a prepotent influence in determining the char-

acter and destiny of cultures. It may be true, as Spengler contends, that a civilization that has reached what he terms the "megalopolitan" stage has exhausted its creative power and stands already upon the threshold of decline, destined surely to take its appointed place among the things which exist only in memory. We need not accept this philosophy of gloom, but we cannot evade its challenge. Is western civilization now on the point of decline? That question will probably be answered in the age in which we live. Never before in human history has the urbanization of society been as complete as it is today. Never before has mankind possessed such means — mechanical, intellectual, and social — for the utilization of human potentialities as are found in the modern city. Never before have the processes of life been so tremendously accelerated as at present. In the light of these circumstances it is a bold prophet who would attempt to forecast the future by reference to the past. "It doth not yet appear what we shall be," but certainly if we are to catch any glimpses of our destiny we must seek them in the city and the study of its problems.

The Spenglerian challenge

Selected References

W. B. Munro, *Municipal Government and Administration,* Vol. I, Chaps. I, II, III.
T. H. Reed, *Municipal Government in the United States,* Chap. I.
J. G. Thompson, *Urbanization, passim.*
J. Wright, *Selected Readings in Municipal Problems,* Chaps. I, II, III, IV.

Questions and Problems for Discussion

1. Trace and compare the influence of cities and rural areas upon the progress of civilization in your own region. Where were the first schools, colleges, libraries, hospitals, theaters, churches, etc., established? Who have been the outstanding leaders in your region in politics, religion, education, technological progress, literature, and art — city men or country men?

2. What has your city contributed to the cultural advancement of the area for which it serves as a center?

CHAPTER III

THE URBANIZATION OF THE MODERN WORLD

No subject is more fascinating than the rôle of cities in western civilization. Though every age has been an age of cities, in some periods cities have played the dominant and decisive parts, but in others have been relegated to a secondary position. The former have been the brilliant and progressive periods of history; the latter have been the dark and stagnant ages. Following the shifting scenes of history, our attention is fixed upon one group of cities after another until we reach our own time, which is characterized by such a plenitude of cities as the world never before dreamed of. In former times the drama of civilization has been enacted in a few marvelous cities which have stood out like beacon lights in a dark night; but in our age the number of cities is so great and the proportion of urban population to total population has mounted to such heights that the dark rural background is almost completely dissolved in light.

The urbanization of the world is one of the most remarkable consequences of the so-called Industrial Revolution which has been taking place during the past century. Near the beginning of the last century an epochal series of inventions and discoveries radically transformed the bases of commerce and industry. With the advent of the steam engine, the power loom, the railway, the steamboat, and other great scientific developments the old domestic handicraft system of industry decayed and disappeared. The machine age had arrived. When the power-driven machine supplanted hands and tools, industrial workers were compelled to find employment in the factory and to take up their residence in close proximity to it. The factory thus became a tremendously potent magnet for population. When factories were located in existing cities, they brought people to the cities by the thousands and the millions, and when factories were located in the open country, cities rapidly grew up around them. Contemporaneous with the rise of the factory

The machine age and the growth of cities

system equally revolutionary developments in the art of transportation made possible the conduct of commercial operations on a larger scale than ever before and this, of course, tended to increase the population of cities favorably located for purposes of trade. The machine age likewise had a profound effect upon agriculture. As a result of the development of improved agricultural machinery such as the cotton gin, the mower, the reaper, and the thresher, millions of persons whose labor had formerly been indispensable to agricultural production were set adrift to find employment in commerce and industry.

The concentration of population in cities

The combined effect of these forces was to set in motion a tide of migration to the cities which has continued with ever increasing efficacy from the early part of the nineteenth century down to the present moment. Never before have cities grown so rapidly; never before has the number of cities multiplied so enormously; never before has the ratio between city population and rural population been so completely reversed. And the end is not yet. We are now apparently in the midst of a process of world-wide urbanization the end of which we scarcely dare to prophesy.

The first country of modern times to become thoroughly urbanized was England. According to the census records the urban population of England in 1801 was 16.9% of the total; by 1851 this proportion had risen to 35%; and by 1921 it had reached the astounding figure of 79.3% of the whole population. In Germany the process was later in starting, but once started went forward with phenomenal speed. As late as 1890 the urban population of Germany was only 35% of the total population; but by 1910 it had risen to 60%, and in 1925 to 64.3%.[1] France has lagged considerably behind other European countries in total population growth, but the dynamics of population in France exhibit the same tendency toward the concentration of population in urban centers. In 1881 the urban population of France was 34.8% of the total population of the country, in 1911 it was 44.3%, and in 1921 it was 46.9%. In other words French cities have been growing even though the population of the Republic as a whole has remained stationary.

[1] Germany lost some of the most highly urbanized portions of her territory as a result of the peace settlement in 1919. Since those territories were included in the 1910 census but not in the 1925 census, the figures given here do not show the full extent of urban concentration in the present territory of Germany between 1910 and 1925.

The census reports of all other European countries, including even Russia, show the same drift of population toward the urban centers. But we need not stop with Europe. Urbanization is the order of the day in Asia, Australia, South America, and all other quarters of the globe.

In our own country the growth of cities has been one of the marvels of modern times. The first census of the United States in 1790 showed that the urban population of the Union was 3.3% of the total. By 1850 this had grown to only 12.5%, but by 1920 the half-way mark had been passed and the urban population of the country was 51.9% of the total. Between 1910 and 1920 the rural population of the United States was increased by 3.1% while the urban population was increased by 28.6%; our cities were growing more than nine times as rapidly as the country areas. In 1920 fifteen states of the Union had more urban population than rural population, and the combined population of these fifteen states was more than half the population of the whole country. Such figures indicate that some portions of the United States are very highly urbanized. The figures for the separate states are surprising. The latest census (1920) gives the urban population of Rhode Island is 97.5% of the total population of the state; of Massachusetts, 94.8%; of New York, 82.7%; of New Jersey, 78.7%; of California, 68%; of Illinois, 67.9%; of Connecticut, 67.8%; of Pennsylvania, 64.3%; of New Hampshire, 63.1%; of Michigan, 61.1%; of Maryland, 60%; of Washington, 55.2%; of Delaware, 54.2%; and of Indiana, 50.5%.

The urbanization of the United States

The meaning of these statistics is clear. They show that on the average five persons out of every ten in this country are city dwellers, but that in the most populous states of the Union the number of city dwellers ranges up to seven, eight, and nine out of every ten. They show further that in the highly urbanized sections of the country, as in Massachusetts, New York, and New Jersey, the open country in the old sense of the term has practically ceased to exist. What is called rural territory in these states is simply the interstitial space in a continuous network of cities. This territory is not really rural, but is more properly speaking suburban. For all practical purposes the population of these states is almost wholly urban. This condition is precisely what has been evolved in England and Germany, and what seemingly is destined to take place all over the world if the phenomenon of urban growth continues.

The disappearance of the open country

The natural forces which once operated to check city growth have now been largely overcome by modern science and invention. The provisioning of the city, once a herculean task, has been simplified and enormously facilitated by the railway and the steamboat. In addition various advances in agriculture and industry seem to have removed all visible limits to our ability to supply food and other material goods to meet the needs of city population. Developments in medicine, sanitation, and engineering have put to rout the menace of plague and disease which used to mow down city dwellers like wheat in the harvest. A city of five million inhabitants may now be a safer dwelling place from the point of view of physical well-being than the surrounding countryside; and if we should make full use of the scientific knowledge we now possess, there is no reason why the same thing should not be true of a city of ten or fifteen millions. More people now live in New York City and its contiguous urban areas than were to be found in the entire United States a century ago, and they are better fed, better clad, and better housed than was the average American of that time.

Forces formerly counteracting city growth now overcome

In former times the growth of cities was restricted by their inability to survive the strains which congestion of population placed upon their own social and economic fabric. The housing of thousands or millions of persons presented almost insuperable difficulties in the city of centuries ago. With the technical knowledge available in those times structures with adequate space, light, heat, and sanitary facilities could not be built on a restricted area. But if the area of the city was extended to provide the necessary space, the distances became so great as to impede the free flow of the tides and currents of urban life. Thus the social and economic solidarity of the city was impaired. Great cities, therefore, tended inevitably to break down of their own weight. Modern technology and the marvelous development of public utility services by the application of technical knowledge have changed all this. Steel and concrete, together with hydraulic engineering, steam and electric power, and other mechanical slaves of the present era, enable us to use aerial space as well as ground space for housing. Trolleys, automobiles, and telephones enable us to surmount the barriers of distance. The modern city may therefore build hundreds of feet into the air and at the same time sprawl over hundreds of square miles of territory.

Modern science has greatly facilitated the social and economic processes of urban life.

Hence it would appear that there are no definable or predictable limits to the process of urbanization. It used to be supposed that the massing of population in cities was an unnatural and artificially stimulated phenomenon, and that sooner or later a saturation point would be reached. This, it was supposed, would effect a reversal of the concentrative movement of population in a stupendous "back to the land" movement. This fond delusion probably will never be realized. There has been a slowing down of the process of concentration in the greater urban centers such as London, New York, and Paris, but there has been no slackening of the general process of urbanization and no "back to the land" movement. With the slackening of concentration at the center there has come an acceleration of concentration at the circumference. Every great urban center is now surrounded by an ever-widening circle of satellites, and this process of pushing out has now gone so far that many portions of the earth are overlaid with a continuous network of closely connected urban centers. The great open spaces are rapidly closing up; in some parts of the world they have already become a romantic memory.

No limits to the process of urbanization

Not the least remarkable feature about this process of urbanization is its reaction upon the rural countryside. The country is itself becoming urbanized. Automobiles, improved highways, telephones, and radios are bringing the city to the country and the country to the city. A new chapter in country life is being written. The old distinctions between *rus* and *urbs* are gradually fading out. Agriculture is becoming a specialized industry, and the economic aspects of rural life are beginning to resemble those of the city. The truth is that city and country are alike caught in the same web of cosmic forces, and are doomed to share the same destiny. The outcome no man can foresee, but we know that it will be shaped and determined by the ability of the human species to adapt itself to life in the great society which is being created by the urbanization of the modern world.

The urbanization of the rural districts

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Questions and Problems for Discussion

1. Study the ratio over a period of years between rural and urban population in your own state. What shifts have occurred? What have been the causes of these shifts? What is the present tendency?

2. For many years in this and other countries various organizations devoted to the betterment of rural life have tried to launch a "back to the land" movement. Do you think the tide of migration cityward can be reversed simply by making rural life as attractive as urban life? What factors do you think chiefly influence the decisions of people who move from the country to the city or from the city to the country?

CHAPTER IV

SOME SOCIAL AND ECONOMIC ASPECTS OF URBAN LIFE

In 1912 Viscount Bryce delivered a rather despairing address before the National Conference on Housing in which he undertook to explain why "a great city is a great evil." His indictment included seven counts, which were as follows: (1) that the great city is a menace from the point of view of health; (2) that it cuts people off from nature and communication with nature; (3) that it stratifies population along economic lines; (4) that it unduly increases nervous strain and nervous excitability; (5) that it is unfavorable to the best development and education of youth; (6) that it is a great danger in a political sense; (7) that it results in a deplorable amount of economic waste.

Is the "menace" of the city real or imaginary?

Although Lord Bryce was not a professional alarmist, this address was delivered at a time when it was fashionable to deplore "the menace of the city." There is much less of that now than there was fifteen or twenty years ago, but there is still a great deal of dubious headshaking when certain phenomena of urban life are mentioned. Are these doubts and fears founded on something more than superficial impressions? Is the city really a menace, or is it, as certain contemporary admirers of the urban way of life contend, the only real hope of present-day civilization? That question is perhaps unanswerable, but some basis for opinion may be had from a review of some of the controversial features of modern city life.

Superficially, the most striking fact about the modern city is its cosmopolitanism. There is no need to delve into statistics for proof of this; abundant evidence may be found on every city street. When we are told that the foreign-born white population of New York City is 35.4% of the city's total population and that the population of foreign birth or immediate foreign ancestry is 78.6% of the total, we are mathematically convinced; but the astounding heterogeneity of the

city is not apparent until we tread the sidewalks of New York and mingle with its people. Then perhaps we should be ready to declare that the census data showing that the population of New York is composed of sixty different racial elements are really quite conservative. The population of New York may be somewhat more mixed than that of other American cities, but the difference is not so great as is commonly supposed. According to the latest census the foreign-born white population of San Francisco was 27.5% of the total population of the city; and in Denver, far removed from the tides of migration, the proportion of foreign-born whites was 15%. None of these figures includes Negroes, Chinese, or Japanese. It can be seen, therefore, that the city attracts and holds the foreigner, and this is just as true in Europe or Asia as it is in America. The stranger in a strange land finds in the city opportunity for employment and for association with his racial compatriots; the rural districts seldom offer him either one of these attractions.

The cosmopolitanism of the city

Despite the lugubrious wails of certain self-constituted wardens of national security, it is no easy matter to prove that the large foreign element in urban population is a necessary and unmitigated evil. It is easy to charge the foreigner with responsibility for most of the ills of the body politic, but it is very difficult to assemble facts to prove the case.

Is the alien a menace?

Is the alien responsible for the poverty-stricken slum? If so, there should be no slums in cities like London, Dublin, Paris, or Naples, where the unassimilated foreign element is negligible. Is the alien responsible for crime? If so, the Apaches of Paris and the Limehouse gangs of London are purely fictitious, the bad man of the old American West was a Christian gentleman, and the infamous Hickman of recent notoriety must have been a Chinese or an Italian. Is the alien responsible for ignorance and illiteracy? If so, the world-famous evolution trial must have occurred in New York and not in a rural county seat. Is the alien responsible for political corruption? If so, it is hard to explain why the persons chiefly involved in the recent sensational disclosures in Indiana are named Stephenson, McCray, and Jackson; and it certainly could not have been Aaron Burr who converted the benevolent Society of St. Tammany into a political machine.

The alien is different, and it is natural for the native population to believe the worst of him. In China the "foreign

devils" are believed to be responsible for all the woes of mankind, including the freaks of the weather. We are all Chinese in this respect, although we might know better if we really wished to know the facts or to believe them when they are presented to us.

Problems created by alien elements in the city

The alien does constitute a problem, but this is attributable to the prejudice and blind complacence of the native population as much as to the shortcomings of the alien himself. The alien does live in slums, but he usually gets out just as soon as his economic condition will permit. He is often ignorant and illiterate; but he has shown a remarkable zest for education, and he generally provides his children with a better education than he himself possesses. He does often fall into ways of crime; but most of the crimes charged to foreigners are not committed by immigrants but by the children of immigrants whose social habits have been shaped by the native environment. The alien often plays a part in political corruption; but it is usually a minor rôle in which he is coached and perfected by enterprising native sons.

The foreigner assimilates the bad as well as the good in native life.

Nothing is more nonsensical than the naïve assumption that the assimilation of the foreigner will result in his absorption of only the good in native life. If the foreigner is to absorb only the good, he must be raised above the level of native life, and this cannot be accomplished by flag-waving and mayhem. And as for the city's being a menace because of the heterogeneity of its population, it is nothing like the menace that would exist if the alien elements were concentrated largely in the rural districts. The city can and does assimilate, but in the rural districts the foreigner is likely to be isolated and not subject to influences making for assimilation. If we wish to Balkanize America, the quickest and easiest way to do it is to settle all our foreign immigrants in the country districts instead of in the cities. That is precisely how the racial crazy-quilt in the Balkans was created. The admission of large numbers of aliens into a country may or may not be a sound national policy; but if they are admitted, they should certainly be settled, as far as possible, in the cities. The city is the only channel through which they can be assimilated.

The alien may be an asset.

Fairness should compel us to admit that the alien may be an asset as well as a liability. He contributes considerably more than manual labor to the upbuilding of native society. Contact with alien cultures varies, enriches, and stimulates the so-

cial processes of native life. The native learns almost as much from the foreigner as the foreigner learns from the native. The foreigner usually possesses more than the average amount of energy and ambition or he would have been unwilling to face the precarious hardships of migration. Nor is the mixing of alien with native blood a thing to be wholly deplored. Racial purity is a romantic fiction. Ethnologists are agreed that all the so-called races of man are of mixed origin, and that the mixing of racial strains produces superior types as often as inferior ones. No phenomenon has been more common in history than the reinvigoration of a decadent race by a liberal admixture of alien blood.

The public health problem in the city

Bryce's dictum that the city is a menace from the point of view of health long stood unchallenged. Vital statistics could always be summoned to prove the case, and few people care to argue against statistics. Statistics have almost invariably shown that the urban death rate is higher than that of the rural districts, and likewise the amount of disease and physical incapacitation. In so far as these conditions could be attributed to unpreventable causes they did support the thesis that the city was fundamentally a menace to health. But the science of public health has made such enormous strides during the last fifty years that we may now confidently look forward to the time when health conditions in the city will be as good as in the country, and possibly even better. Some authorities believe that time has already arrived. Dr. Carl E. McCombs, writing in the *National Municipal Review* in June, 1923, makes the dogmatic statement that whatever the relative physical vigor of rural against urban population, the rural population suffers more from preventable diseases than the urban. And Professor W. B. Munro in the latest edition of his volume on *The Government of American Cities* argues that the "superiority of rural over urban physique in the United States, if it exists at all, is certainly not very large. If the city is at a disadvantage in this matter, it is so slight as to be virtually negligible. The figures certainly do not afford any proof that city life is physically debilitating." These eminent students of urban society do not share Bryce's pessimism.

Why should the city not compare favorably with the country in health? Sanitation is now able to overcome practically all the evil consequences of congestion. Improved recreational facilities offer the city man almost as good an opportunity for

physical development as his country cousin has. The drinking water of the city is now as pure and wholesome as that of the country. The food supply of the city offers as much in quantity and variety as that of the country, if not more, and far more precaution is taken in the city in the matter of cleanliness. The dangers of industrial accident and disease have been enormously reduced by safety and sanitary measures. Communicable diseases are more promptly checked and efficiently controlled in the city than in the country. Institutional care of the afflicted is more highly perfected in the city than in the country. Free medical and dental services are more widely available in the city than in the country. And as for the wear and tear of city life and its debilitating effects upon the nervous system (a point especially emphasized by Bryce), the tensity of country life today is about as great as that of the city. If there is any difference, it is possibly in favor of the city, because the city affords more opportunity for relaxation, both physical and mental.

The city can control the factors affecting public health.

One thing, however, should be eternally remembered. The healthfulness of the country is a gift of God; that of the city has been bought at a price. To achieve it men have had to sink their differences, sacrifice their independence, and, through arbitrary and often autocratic social authority, have had to bring into play the full resources of science. To maintain it we shall have to continue to pay that price as long as cities shall endure.

Another feature of urban life that has come in for a full round of alarmed deprecation is its congested conditions of living. The number of inhabitants to a given unit of area or cubic space is so great that one might suppose city people are packed together like rabbits in a hutch. From a purely statistical point of view this is true; but why should it be regarded as a terrible evil? If one compare the conditions in the Bleecker Street section of New York with those of a lovely farming region, the city looks like a social cancer; but if one compare the Park Avenue section of New York, where the congestion is but slightly less than in Bleecker Street, the city suffers little, if any, by the contrast. And if one compare any section of any city with the wretched hovels and shacks which house a large part of the farming population of this or any other country, the city appears much superior. Congestion of population certainly is evil when it occurs without adequate

The alleged danger of congested living conditions

provision for light, air, sanitation, and privacy; but when the reverse is true, there is little to be alarmed about.

Some persons deplore the vogue of the multiple dwelling (apartment houses, tenement buildings, and the like) in our cities as though there were something inherently evil about it. But if all the conditions essential to physical and moral well-being are satisfied, does it make any real difference whether people are separated by walls and floors or by a certain number of cubic yards of atmosphere? From an economic point of view the multiple dwelling certainly has pronounced advantages. From the point of view of cost of land, cost of construction, economy and efficiency of public utility services, it is much more economical to house a hundred families under one roof than under a hundred roofs. There are probably other advantages, too. The householder saves much time, for he is relieved of the care and upkeep of the property. It is probable, also, that the average standard of housing is better in any given level of society where the multiple dwelling is in vogue than where the single detached dwelling is the prevailing mode.

The multiple dwelling

It is safe not to dogmatize; and therefore we will say that whether the multiple dwelling produces a better or a worse state of society, it does result in some interesting developments. For instance, it plays havoc with the old-fashioned American virtue of home-ownership. According to orthodox political doctrine, home-ownership is an unfailing mark of good citizenship. If that is true, good citizenship is destined for a great slump in our large cities. Except under some form of coöperative ownership, the multiple dwelling makes home-ownership impossible for the average family, and coöperative ownership has not yet reached the point where it has many attractions for the average man. Deploring this condition will not help it. The multiple dwelling has come to stay. It has, in fact, become a necessity in modern city life, and we may as well adapt ourselves to it. If it is true that people who do not own their homes are susceptible to the worst evils of social and political demoralization, then the future of modern society is very dark indeed. It is possible, however, to imagine civic loyalty and idealism based upon something less tangible but more altruistic than a material abode. It is possible even to fancy that attachment to the common welfare may be stimulated by lack of attachment to a definite homesite. The trends of social

The multiple dwelling changes the distribution of home ownership.

legislation in modern cities lend weight to the belief that this is more than idle speculation.

The effects of congestion upon the health of city populations have already been discussed, and the effects upon morals will be treated later.

Of all the consequences of urbanization none has been more universally descried than the disintegration of the family. The rural family, at least in former times, was a powerful social and economic entity and a vital force in education, morals, and religion. In the modern city the influence of the family is profoundly altered. Because of the difficulty of owning a home, the family rarely becomes attached to the soil; the city family is more or less constantly on the move. Life in tenements and apartments is not favorable to the centralization of social life in the family, and this is accentuated by the fact that the attractions of city life in the way of recreation and amusement inevitably draw people away from the family circle. Nor is the city family united by the necessity of working together to obtain a living. The pressure of economic necessity in the city forces the members of the family to find employment outside the family in trade and industry; and though the earnings of the various members of the family may serve a common purpose, they are not bound together by similar economic interests and experiences, as is true on the farm.

Family life in the city

As a result of these things the city family no longer performs effectively the functions which tradition assigns to the family. As an agency for social and moral instruction, it sometimes fails completely. It likewise breaks down as an economic unit. The problem of poverty, for example, was once largely a family problem; the care of unfortunate and dependent persons was a family responsibility. Nowadays this responsibility rests largely upon society. So it is with many other responsibilities that formerly reposed in the family. The urban family cannot perform these responsibilities because it has so largely lost its effectiveness as a means of social control.

Society must assume many of the duties of the family.

It would be a mistake to conclude, however, that the urban family is degenerate; it is far from that. The urban family has perhaps just as much that is ennobling as the rural family; but the situation of the urban family is such that it does not serve society in the same way as the rural family, and hence there is much for society to do in the city that is not necessary in the country. In the end urban conditions may give birth to a new

The future of the urban family

type of family, not inferior to the rural family, but different. The cohesive element in the rural family is a community of interest that is largely material. In the urban family this community of material interests grows constantly less. Perhaps it will be replaced by a community of interest that is essentially spiritual and intellectual. If so, the gain to the individual will be great, and society in the long run will not suffer. Still another possibility that is not always kept in mind is that the disintegration of the family in urban society may have the effect of counteracting that spirit of particularism which is one of the chief obstacles to progress in rural society. The absorption of the countryman in the narrow interests of the family and its more immediate contacts tends to render him blind to the community and its interests. The interests of the city man are in the community as well as the family, and in course of time may build up a spirit of devotion to the community which will further the advancement of the race quite as much as devotion to the family.

The economic status of the average individual in the city as compared with that of the average inhabitant of the rural districts presents some interesting and illuminating contrasts. In the country the ownership of tangible property is an almost universal fact. In the city the ownership of property, at least of tangible property, is a phenomenon of increasing rarity. The average urbanite owns no land and no tangible chattels, except possibly his clothing and household effects. The burdens of owning and caring for property in the city are such that the average city dweller strives to avoid those encumbrances as far as practicable. Consequently the ownership of land, buildings, and other forms of tangible property is concentrated in a relatively small number of individuals or corporations, and the great mass of people are propertyless. This does not mean that the city man is less prosperous than his rural compatriot. The city man may own intangible securities that are equivalent in value to the property owned by the countryman. But even though he owns absolutely nothing except his personal effects, the city man's economic situation compares favorably with that of the countryman. His income is just as good or better on the average; he satisfies his economic wants just as fully; and he takes care of his obligations to dependents by insurance. Comparisons between the wage-earner in the city and the wage-earner on the farm generally favor the city man. The same

The economic peculiarities of urban society

thing is true of comparisons between the farm proprietor and the salaried, professional, or business classes of the city.

But regardless of the fact that the economic status of the urbanite is just as good as that of the country dweller, or better, we are obliged to recognize that it is fundamentally different. The city man occupies, as compared with his country cousin, a position of economic dependence. The city man as a rule is a hired employee and holds his job subject to the caprices of other persons. The roof over his head is not his own. The tools, machinery, or things used by him in his daily grind do not belong to him. His securities, if he saves money and invests in them, belong to him, but he has very little voice in the management of the properties which determine their value. He protects himself and his dependents by insurance, but he has little to do with the actual management of the insurance company in which he holds a policy. In other words, though he may be the captain of his own soul, he is not the master of his own fate, and he has become acutely conscious of this fact. This undoubtedly explains the insistent demand in our cities for governmental policies of a paternalistic character. The doctrine of *laissez faire* may be satisfactory for a rural economy, but it is suicidal for the city. A person who is economically self-sufficient (and the farmer is self-sufficient as compared with the average man in the city) feels little need of governmental assistance; but once let him lose his position of independence, and he cries aloud for help. When the shoe pinches the farmer, his zeal for paternalism is second to none; but the shoe pinches the farmer only once in a while, whereas the city dweller is subject to some kind of pinching almost constantly.

Does the city man lose contact with nature?

Lord Bryce's complaint that the large city removes people from nature and communication with nature is certainly in accord with the facts. That shortcoming is being somewhat remedied, however, by the automobile and other means of rapid transit which enable the inhabitant of the city to get out into the country easily and inexpensively. Furthermore, modern park and playground developments are bringing nature to the city. Nevertheless there is no substitute for country life, and the urbanite can never hope to have that intimate contact with nature that is possible in the country. It may be said in defense of the city that outdoor nature is only one phase of nature, and that human nature is presumably almost as important and as well worth knowing as brooks, fields, trees, and

birds. The advantages of the city in bringing one into contact and communication with human nature are quite as pronounced as those of the country in respect to outdoor nature. Perhaps the urbanite gains almost as much as he loses.

With regard to the charges that the city results in the stratification of population along economic lines and that it promotes economic waste, it is difficult not to lose patience altogether. The worst caste systems the world has ever known have grown up in agricultural society. Until comparatively recent times the aristocracy of Lord Bryce's own country was almost exclusively a country aristocracy based upon ownership of land. The stratification of population in London and other British cities has never even approached the rigidity and permanence of that found in the country shires. And as for the promotion of economic waste, it is hard to understand how any one with any practical experience in agriculture could honestly argue that city life and city industrial processes are any more wasteful than those of the country. If any industry in the world is prodigally wasteful of time, capital, labor, materials, and everything else, it is the farming industry. The average farmer has yet to learn the meaning of scientific management, a fact which partially accounts for his economic distress.

The question of the stratification of urban society

The subject of political corruption in the city has received extended and sensational treatment at the hands of every commentator on urban society. The conditions are bad, and cannot be disguised or defended on any ground whatsoever. But when one attempts to use the city as the world's worst example of political corruption, he is ignoring a great many well-known facts. The " rotten boroughs " of England before the Reform Act of 1832 were in the main country constituencies. Political corruption is known to be rampant among the prevailingly rural populations of Russia and China, and many instances of rural corruption have been discovered in other countries. In the United States the county is conceded by all reputable political scientists to be the " dark continent " of American politics, and the disclosures which have been made in recent years of the wholesale bribery of rural voters in such states as Ohio, Delaware, Rhode Island, New York, and Illinois indicate that the countryman is no more immune from the contamination of political corruption than his urban compatriot. " Human nature," as Mark Twain once sagely remarked, " is very strong, and we all have a heap of it in us."

Political corruption in the city

Undoubtedly the most serious charge made against the city by critics of urbanization is that it weakens and destroys the moral fiber of the people, and furnishes an unwholesome environment for the upbringing of youth. The pages of current literature are full of jeremiads in which the city is denounced as a veritable cesspool of vice, crime, and depravity. Statistics show that the amount of crime and vice occurring in the city is enormous. We have no comparable statistics for the country, and so are unable to make comparisons. Unfortunately our statistics fail to show what proportion of the crime and vice occurring in the city is to be ascribed to persons of lax morals who have migrated from the country to the city. It is impossible, therefore, to say which is inherently the greater breeder of crime and vice, the city or the country. Nor do the available statistics enable us to classify the moral lapses of city and country populations with reference to whether they indicate innate moral depravity or are simply the result of failure to comply with certain of the numberless statutory enactments of the present day, which, though necessary from the point of view of public policy, are not founded upon fundamental ethical considerations. In the light of these deficiencies in the only quantitative data we possess how can any one safely and confidently dogmatize with regard to the relative morality of city and country?

Moral conditions in the city

It is obvious, of course, that the city affords more opportunity for the predatory activities of the professional criminal than does the country, and likewise that the crowds of the city facilitate the concealment of crimes and criminals. This is why the city attracts the rural criminal. It is also true that urban and rural standards of morality often vary enormously, and that what one may consider entirely innocuous the other deems utterly immoral. But this proves nothing except that the conventions of society differ according to environment. It is probably true, too, that the difficulties of law enforcement are much greater in the city than in the country, but this usually may be explained by the fact that the legal and judicial machinery used in the city are ill suited to city conditions.

The city affords greater opportunities for crime.

Before leaving this topic it is only fair to point out that, whatever the relative morality of city and country, the world's sublimest efforts to ennoble and uplift humanity are centered in the city. Organized altruism has its headquarters in the city and radiates power from city to country. The strongest reli-

The ameliorative influences of city life

gious institutions and the most potent reform organizations are invariably found in the city. Without the support which comes from the city the country church would be doomed to extinction. Without the leaders who, if not born in the city, are almost without exception trained in the city practically all movements for social and moral amelioration would quickly wither and disappear.

The youth of the city may be exposed to degrading influences which do not exist in the country, but they are also surrounded by elevating influences which do not exist in the country. Recent surveys of vice conditions in rural districts indicate, furthermore, that the youth of the country are exposed to degrading influences which do not exist in the city, particularly in sexual vices. On the whole the city youth would seem to have about as good a chance to come up clean and idealistic as the country youth.

In concluding this brief survey of the social and economic aspects of urban life there is one basic fact to be noted. Urban life may be superior or it may be inferior to rural life. Be that as it may. There is no doubt, however, that urban life attaches far more importance to social well-being, as contrasted with individual well-being, than country life does. In the city the welfare of the individual is much more closely bound up with and dependent upon the welfare of society as a whole than in the country. The significance of this is that the general urbanization of modern society calls for more thoroughgoing social processes and more highly perfected means of social management and social control than have been necessary in any previous stage of the world's history. And this merely means that the problem of the city, and hence the problem of civilization, is today more emphatically than ever before a problem of government.

Urban life more highly socialized than rural life

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Questions and Problems for Discussion

1. What is the proportion of foreign-born population in your city? In what ways do you think your city would gain or lose if these alien elements should be removed?

2. Can you adduce any evidence to show whether your city is more or less healthful than the surrounding rural territory? If there are any differences, how do you account for them?

3. Locate what you consider to be the worst and the best housing conditions in your city. What are the causes of these contrasting conditions? Compare the best and the worst you have seen in the city with the best and the worst you have seen in the country.

4. Enumerate the things which are being done by governmental agencies in your city, but which in the surrounding country would be left to the family. From the point of view of the welfare of yourself or of those nearest to you would you like to see the government relinquish those activities?

5. Do you think city people are more radical on economic questions than country people? How could such differences be explained?

6. What are some causes of lawlessness, crime, and immorality? Do you find any reason to believe that these causes operate more powerfully in the city than in the country? Can you find any reason to suppose that some types of crime and immorality might be peculiar to the city and others peculiar to the country?

CHAPTER V

SOME POLITICAL ASPECTS OF URBANIZATION

In the year 1900 no man had seen an airplane; very few had seen the wheezy and dubious contraption then negatively called the " horseless carriage "; the moving picture was still a toy; except for a few experimenters no one dreamed of the possibilities of wireless telegraphy and radio communication; the phonograph was still a novelty; electrical science was yet in its infancy, its most considerable accomplishments — the electric light, the telephone, and the trolley car — in 1900 just coming into universal favor. Despite the fact that the mechanization of industry and the development of railways had started human society on the road to urbanization, the spirit of the time was essentially rural. For many generations human society had proceeded upon the principle of individual responsibility for individual welfare. The rightful business of society was to provide for national security, maintain internal order, secure the administration of justice between man and man, and carry on certain necessary financial operations. Beyond this each individual was expected to look out for himself: his health, morals, safety, prosperity, convenience, and comfort were regarded as being entirely in his own keeping.

The old political order

The principle of individual responsibility for individual welfare was a natural and necessary by-product of a rustic order of society. Under a rural economy it is possible for the individual to control most of the factors which affect his food supply, his personal security, his employment, his comfort and convenience, and his bodily and spiritual welfare in general. Life is hard for all; but society can do very little to ameliorate conditions, because society has even less control over the factors conditioning individual welfare than has the individual himself. Under an urban economy all this is changed. Individual self-sufficiency gives place to individual helplessness and dependency. Under city conditions food, clothing, shelter, light, heat, employment, recreation, and practically every other

The old order breaks down under urban conditions.

essential or valuable thing in life must be procured through the operation of complex social processes which no individual can control or materially influence. The individual finds himself a helpless cog in a vast social mechanism, and in his helplessness he turns to organized society — to government — for protection and assistance. Government has the power and the means to control the social processes which determine individual welfare; and therefore everybody's business becomes the government's business, and the government's business becomes everybody's business. The venerable doctrine of *laissez faire,* untenable in a society where every man's elbow touches another man's elbow, is consigned to the limbo of forgotten things; and the famous dictum of Tom Paine that the best government is that which governs least is supplanted by the conviction that no government is good unless it governs much and mightily.

The political significance of the new day

Political dogmas generally follow at a safe distance behind the facts of life, and millions of people have therefore clung to the *laissez faire* doctrine in the face of an ever-rising tide of paternalism. Not until the complete annihilation of the old order of society by the revolutionary technological developments of the twentieth century, not until the overwhelming impact of an almost wholly urbanized and mechanized society had destroyed almost every vestige of individual control over the conditioning factors of human well-being, did the political significance of the new day become clearly apparent. It is as plain as a pikestaff now, for the teachings of experience cannot be ignored. Modern urban society requires and demands governmental intervention and control, governmental aid and regulation, in virtually every phase of life, from the most trivial to the most transcendent. From the cradle to the grave, from birth certificate to death certificate, scarcely a breath may be drawn by any individual without involving him in some way and in some degree with the all-inclusive and all-pervasive sweep of the governmental process. Government is the custodian of the health of the people, the censor of their morals, the instructor of their young, the guardian of their property, the regulator of their occupations, the supervisor of their business, the protector of their rights, the arbiter of their differences, and the author of their duties. It looks after the teeth and tonsils of the children as well as their education; it exacts contributions from those who have, and bestows largess upon those who have not; it dominates the realm of the flesh and

reaches into the realm of the spirit, even saying what may not be done in the name of religious worship. The way of all flesh in this modern world is a way mapped out very largely by governmental prescription and patrolled by governmental agents.

The simple meaning of all this is that urbanization has exalted the rôle of government to the degree where nearly all social questions tend to become political questions, and that political questions are the most vital of all questions. Moreover, the integration of human society, which is one of the principal consequences of urbanization, has resulted in such an enormous complication of the problems of government that instead of being the simplest of all questions, political questions have come to be the most perplexing known to modern society. It would take a bulky treatise to discuss all of the political consequences of urbanization, but it is necessary to understand a few of them in order to have a clear perception of the nature of the social system of which we are part.

The new importance of political questions

Not the least significant aspect of urbanization, from the political point of view, is the constantly growing crop of new problems that government is called upon to solve. The columns of our newspapers and magazines seldom fail nowadays to contain an article or two dealing with the parking problem. Twenty years ago not even the verb " to park " existed. This problem is part of the traffic problem, and the traffic problem is a product of the motorization of modern urban society. Similarly we hear of the zoning problem, the recreation problem, the hospital problem, the housing problem, the child hygiene problem, the child labor problem, the public utility problem, the vocational guidance problem, and scores of others so new that the average citizen hardly knows what they are about. Every passing year and every new invention and discovery adds to the already long list of novel and baffling problems which society, through its political processes, must undertake to solve.

The new problems of government

Not only has urbanization created many new problems; it has enormously multiplied the difficulty of the older ones. Take for example the improvement and maintenance of streets and highways. This problem offered difficulties enough in the old days, but now, with the prodigious demands upon our thoroughfares that tremendous concentration of population in urban centers brings, the highways problem has become a veritable morass of formidable difficulties. The same thing may be said of the police problem. The police have to deal not only with

The new complexity of old problems

many new crimes (automobile stealing, traffic offenses, and sanitary offenses, for example), but also have to cope with criminals equipped with all the aids that modern science can supply to facilitate their nefarious operations. The same multiplication of complexity and difficulty may be observed in the problems of public finance. The old bases of taxation have become inadequate and unjust; the old methods of procedure have become entirely inappropriate; and the old objects of public outlay and expenditure now cover only a small part of the necessary undertakings of government. All in all it may be said that urbanization, more than any other single cause, is responsible for the baffling intricacy of the problems which confront our various governmental agencies at the present time. When life is simple, government is simple; when life is complex, government is equally complex. Urban life is always complex, and has grown increasingly so through modern technological developments.

The growing importance of administration

Another significant outgrowth of the urban age is the rapidly growing importance of administration. In a rural society the administrative phases of the governmental process are of secondary importance, for there is not much for government to administer. The administration of justice through the courts, the administration of the various agencies and organizations having to do with public security, the collection of taxes, and the disbursement of funds — these and perhaps a few others comprise the principal administrative functions of government in rural society. But urbanization necessitates paternalism, and paternalism requires a vast horde of administrative functionaries to perform the innumerable duties incident to the supervision or supervention of private enterprise. To regulate and control public service companies calls for a huge army of governmental inspectors, experts, and technicians of all kinds; to take over, own, and operate public utilities calls for an even larger retinue of bureaucrats. Factory legislation for the protection of the health and safety of the workers and consumers cannot be enforced without a host of governmental functionaries to inspect, report, and prosecute. Public parks and recreation grounds are worse than useless unless manned by a staff of trained specialists. Public institutions for education, for the care of the deficient and underprivileged classes, or for the assistance of agriculture, commerce, and industry will not run themselves; they must be staffed and managed by a huge array

Bureaucracy the inevitable concomitant of urbanization

of public employees. So it is with all governmental enterprises. The more government undertakes to do for the people, the more it is obliged to emphasize administration and develop administrative machinery. Senator James A. Reed of Missouri has achieved a picturesque prominence in American politics by his vehement denunciations of " public snoopers "; but he is tilting against windmills. Modern urban society expects and demands of its government one thing above all else: service — more service — and yet more service. Do away with " snoopers " and you do away with all possibility of service. " Snooping " is nothing more than the exercise of the inquisitorial function of government, and that is absolutely indispensable to efficient administration.

The urbanization of modern society has raised the problem of administration from a minor to a major place in public affairs. We may wish it were possible to return to the simple and idyllic days when life could proceed without the vigilant and often vexing attentions of a miscellaneous swarm of over-officious beadles; but in order to do that we should have to destroy our present economic system, depopulate our cities, and utterly denature our civilization. The problem we must face today is not one of going back but of going forward, of purifying, perfecting, and democratizing the hulking, lumbering bureaucracy which the exigencies of modern urban civilization have called into being. A contemporary political scientist has said, " Administration is the cutting edge of democracy." That is the statement of an ideal and not of a fact. One of the great problems of the present day is the development of a science and a technique of public administration which will transform that ideal into a reality.

The need for a new science of public administration

We seldom think of urbanization as being connected with the continuous metamorphosis of political issues or with the relation of political parties to traditional issues; but it is possible to discover a very close correlation at times between the progress of urbanization and the permutations of politics. Take for example the tariff question. Almost from the beginning the southern states of the American Union have been implacably opposed to the protective tariff; but in many sections of the South there has come in recent years such a complete reversal of opinion that the candidate of the Democratic party in 1928 virtually abandoned the historic position of his party on the tariff question. What has happened? Sim-

Urbanization metamorphoses political issues.

ply this: the industrialization and urbanization of certain parts of the South have undermined the rural economy which used to identify its interest with a low tariff. Similarly we find that there is taking place at the present time a progressive realignment on the historic question of states' rights. Formerly it was the urban sections of the country that stood for the enlargement of national authority and the rural sections that espoused the cause of states' rights. Now the urban sections are raising a clamor about the unwarranted invasion of the reserved rights of the states by the federal government, and the rural sections are demanding extensions of federal power and authority. Why such paradoxical somersaulting? There is no mystery about it. The urban population of the country objects to national action in dealing with the liquor traffic, with corporation management, and other social and economic problems of the present day because of a conviction that national action is not considerate of the " special interests " of the urban portions of the population; and the rural sections are demanding national action on these questions because of a feeling that their " special interests " require it. Foreign policy is another phase of politics that is bound to be much affected by urbanization. It goes without saying that the foreign policies favored by an urbanized country, or by the urbanized sections of a country, are bound to be profoundly different from those favored by rural peoples. The internal pressure of population and the exigencies of trade and industry impel urban peoples to embark upon foreign policies that have no appeal for the agrarian mind. Rural peoples are inclined to be self-contained and but slightly interested in external affairs; urban peoples are of necessity forced to be concerned about foreign relations. The alignment of the American people on such questions as cancellation of foreign debts, the World Court, the League of Nations, or naval limitations furnishes a most instructive illustration of this fact.

So we might continue to enumerate the effects of urbanization upon the processes of government and politics; but this résumé is not intended to be complete. Its purpose is, by describing some of the political consequences of urbanization, to suggest many others, and to leave with the reader a clear appreciation of the profound significance of urbanization from the point of view of government and governmental problems. One remaining point deserves special mention. That is the

effect of urbanization upon the problem of governing the city itself.

City government has always been a formidable and baffling problem. In ancient and mediaeval times this problem was for the most part a matter of concern only to the city itself, for every self-governing city was in those times a distinct sovereign entity — a republic, a monarchy, the head of an empire — and hence was not subject to any superior political authority. The cities of modern times are simply component parts of great national states, and are self-governing only in the sense that they are permitted by the grace of the supreme national authority to manage certain of their own local affairs. In ancient and mediaeval times there could be no question of the juridical relation of the city to the sovereign central government, because every city was either sovereign itself or an abject vassal of some other city or ruling potentate.

Urbanization and city government

In the early history of national states the problem of municipal government was not of great consequence, because the total number of cities was not great and the aggregate urban population was small as compared with the total population of the state. It was easy, therefore, for the central government to deal with each city separately, and to employ in each case such measures as expediency might dictate. All cities were subject to the supreme central authority, having no independent powers as of right; but the central authorities, as a matter of convenience and political expediency, were accustomed to concede to each city a certain amount of local autonomy. With the rapid and extensive progress of urbanization, however, the total number of cities and the aggregate urban population became so great that the policy of dealing with each city as a separate and distinct problem was no longer wise or practicable. It was absolutely necessary to have a uniform and consistent policy to determine the relation of cities to the central government, and to base this relationship upon sound principles of politics and administration. Otherwise neither good city government nor good national government could be achieved. If the determination of such vital matters as the nature and scope of municipal powers or the form and organization of city government is to be settled for each city separately, according to the dictates of expediency as viewed by successive corps of central officials, municipal government will eventuate in nothing but chaos and confusion, and the machinery of the central govern-

Urbanization creates need for general policies as to city government.

ment will be completely clogged by a perpetual flood of municipal questions. The vast and intricate modern urban society makes it indispensable that the relation of the cities to the supreme and controlling central government shall be predicated upon recognized and established principles which accord to cities sufficient independence to manage their local affairs but reserve to the central government full and final power to deal with all matters of more than local importance. This ideal is easy to state, but putting it into actual practice constitutes one of the thorniest problems modern political science has ever attempted to solve. This problem will be treated at length in the next two chapters.

Selected References

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T. H. Reed, *Municipal Government in the United States,* Chap. III.
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Questions and Problems for Discussion

1. How many things does the government of your city do today that it did not do fifty years ago or even twenty-five years ago? What are the reasons for the assumption of these newer functions?

2. Select a single invention, such as the steam locomotive, the automobile, or the radio, and try to enumerate all of the duties and problems it has created for government, particularly city government.

3. Make a list of the political issues which the voter of today is called upon to decide, and then try to make a similar list of the issues which his grandfather or great-grandfather had to pass judgment upon.

CHAPTER VI

THE CITY AND THE CENTRAL GOVERNMENT

The imperial cities of the ancient world acknowledged no overlord and knew no master. They were as sovereign as any national state of modern times, and were free to enjoy and exercise the fullest possible governmental authority. But not all ancient cities were imperial cities; many of them were subject cities, paying tribute and yielding obedience to the conqueror. The empire of Rome was in a sense a municipal empire, consisting of a far-flung galaxy of cities which had been brought under the heel of the rapacious imperatrix of the Tiber. After the collapse of the Roman Empire the western world sank into chaos, and many of the Roman cities disappeared altogether and others suffered a terrible depletion of wealth and population. As to what occurred during that dark period when Roman civilization was evolving into feudalism, we know very little; but at the dawn of the mediaeval period we find Western Europe dotted with towns and cities proclaiming their independence of all superior authority and resisting to the utmost the assaults of the feudal barons on the one hand and of the lords of the church on the other. By the might of arms the more potent barons succeeded in carving out for themselves vast estates which eventually grew into kingdoms; and these national states, after a long and terrible struggle, thwarted the temporal pretensions of the church and emerged with their supremacy and sovereignty unchallenged.

The national state puts an end to municipal independence.

In the national state there was no place for the independent city. Born of conquest and maintained by force, the national state could not tolerate an *imperium in imperio*. Its security and solidarity depended upon the absolute supremacy of the king over all persons and things within its territorial boundaries. All cities, therefore, were reduced to a subordinate and dependent position. The king's law was the law of the land, and nothing could stand against it. The king's peace was enforced in country and town alike, and the king's agents went up and

down the land administering justice and regulating all matters of common concern. Any special privileges must come as a grant to municipalities from his gracious majesty, the king. There was nothing municipalities might claim as of right against the king.

The position of the city in the modern world is substantially the same as it was when the ruthless conquerors of the feudal period, by pillage and plunder, extended their dominions and welded them into unified national states. The modern city, despite the fact that it seems to possess extensive local autonomy, is at bottom a helpless and dependent creature of the central government. Kings and autocracies have mostly gone; but the national state is more potent that ever. The freedom of the modern city is a gift from the central government of the national state, but a gift with so many strings attached that the freedom is more seeming than real. The central government giveth and the central government taketh away, but its name is not blessed among the cities of the land. Resigned though they must be to the subordinate rôle assigned to them in modern political society, cities complain unceasingly of the Procrustean bed in which they are compelled to lie. They realize that the suzerainty of the central government is unavoidable, and possibly indispensable, but they plead incessantly for greater freedom in the management of their own local affairs. The issue thus raised constitutes one of the most complicated problems in the whole range of public affairs.

The subordinate position of the city

Though it must be recognized that municipalities can have no inherent and inalienable rights or liberties as against the central government, there is no reason in principle why the central government should not concede to cities the right to govern themselves in matters of purely local concern. The difficulty arises, however, in drawing the line between what is of strictly local and what is of general importance. It is easy to lay down the rule, but it is exceedingly difficult to put it into operation. Upon examining the functions of government, we perceive that a great many of them obviously cannot be entrusted entirely to the discretion or whim of local agencies of government; they are too vital to the interests of the state as a whole. Of such character manifestly are the great primary functions of government, such as the maintenance of internal and external security, the conduct of foreign relations, the administration of justice, the regulation of the fundamental rights of person and prop-

What is local and what is general?

erty, and the basic operations of public finance. No national state could commit these functions unreservedly to its municipalities without jeopardizing its own existence. On the other hand, certain functions of government appear to be initially and primarily of local importance. These include such matters as public improvements, sanitation, the protection and preservation of health, the regulation of commerce and industry, and the care of the underprivileged and unfortunate classes. But upon closer scrutiny our confidence in this classification is somewhat shaken. There may have been a time in the history of national states when political society was so discrete and dismembered that local interests could be clearly differentiated from national interests. If so, that time is long past. The great inventions of the industrial age have knit human society into a seamless web, and what affects one part similarly affects the whole. In the dimly remembered days of the sedan-chair and the hackney-coach, for example, the improvement of public thoroughfares may have been distinctly a matter of local concern; but that is not the case today. The automobile has lifted the highway problem from a local to a national plane. Likewise in other phases of our common life epochal inventions and discoveries have so revolutionized social and political relationships that it is no longer accurate to conceive of any function of government as essentially local.

Of necessity, therefore, we are obliged to abandon the ancient and time-honored dichotomy as between general and local functions of government, and seek a new basis of classification. We may as well concede at the outset that the interests of the central government are paramount and all-comprehensive, and that there are no functions which belong exclusively to the local areas or units of government. Nevertheless the fact is well established in political experience that certain functions of government, though basically subject to central control, can be more expeditiously executed through local than through central agencies. All governments recognize this, and, reserving to themselves the fundamental right to determine the scope and limits of local authority, do delegate extensive powers to municipalities and other local units of government. The modern problem is not, therefore, to classify functions as general or local; but to determine according to what principles the central government may prudently commit powers and responsibilities to local authorities.

The question of delegation to local authorities

Broadly speaking, there are two ways in which the central government may bestow power upon municipalities. It may, in the first place, grant power by specific enumeration only, giving nothing that is not expressly or by unavoidable implication set forth in definite terms; or it may, in the second place, grant power in general, elastic, and even vague terms, subject, however, to specific delimitation as concrete cases arise. Under the first method of bestowal municipalities find themselves in the position of having no authority to act on any subject or move in any direction unless they have been given explicit power to that effect. They are deprived of all initiative, of all right of autonomous action, and must besiege the central government with continual supplication for authority to take this or that particular step which is deemed expedient from the point of view of local interest. Under the second method municipalities are endowed with an indefinite quantum of power, and it remains for the central authorities to determine as questions arise whether the city is exceeding its authority. Municipalities, under this system, possess the initiative, but are likely to be promptly and decisively checked if they overstep the bounds of what the central authorities consider to be the proper sphere of municipal activity. The object of both systems is to invest the central government with supreme and ultimate authority over all public affairs, and at the same time to make possible an allocation of power to municipalities which will not be incompatible with the interests of the state as a whole. Neither of these two modes of procedure in absolute purity is to be found in any modern state, but all contemporary governments approximate one or the other. Great Britain and the United States, for example, lean toward the principle of exhaustive and specific enumeration; France and Italy show an equal partiality for the principle of sweeping grants and definitive checks.

The two methods of granting power to municipalities

The effectuation of central control under the first of these two sharply contrasted principles calls for a proliferation of official enactments or pronouncements describing in minute detail the metes and bounds of the sphere of municipal government. Unless authority be specifically granted or must be necessarily implied from specific grants, the municipality is devoid of power to act. Hence it is necessary to enumerate with exhaustive particularity all of the powers, privileges, duties, and functions which the central government bestows

Delegation by legislative enumeration of municipal powers

upon municipalities. In modern states, where the legislature is the chief lawmaking organ of government, the legislature of the central government enacts a voluminous and minutely itemized body of statutes covering the organization, powers, and procedure of municipal government. Cities are obliged to comply with the terms of this body of law, and in the event of their failure to do so their acts will be declared *ultra vires* and void. Because of the prominence of legislative enactments in this process of control it is usually known as the legislative system.

The most conspicuous example of the legislative system of central control is found in the United States. Under the federal plan of the American government the control and regulation of municipalities is one of the functions reserved to the states. For this purpose, then, the state is the central government. The legislature of each state has enacted an elaborate code of laws which define, enumerate, and determine the paths along which municipalities are to move. In case of doubt or controversy the issue is taken to the courts; and if the courts conceive that the acts in question are not based upon a sufficient grant of power or that they conflict with provisions of the municipal code or of the state or national constitutions, they will disallow such acts and declare them null and void. Thus it is seen that the municipalities of the United States must chart their courses through a maze of legal entanglements which are supposed to cover every conceivable phase of municipal government. Central control thus becomes an enormously complex and technical problem, baffling even to the expert in municipal law. This problem will be fully treated in a subsequent chapter devoted exclusively to the relation between the city and the state in the United States.

The United States as an example of the legislative system

Under our second process of central control the formulation of an all-comprehensive and minutely specific municipal code is unnecessary. The central government through its legislative organs enacts laws which bestow authority upon municipalities in broad and indefinite terms, and then provides agencies or functionaries whose business it is to interpret and apply these sweeping grants of power to each city as questions arise in connection with its affairs. This duty sometimes falls to the courts, but as a general rule special administrative machinery is created for the purpose. Under this system, when the city embarks upon a program of action it must either secure the

The administrative system of central control

approval of the central administrative authorities in advance or must submit to their intervention later. Because of the prominence of administrative procedure in this system of central control, it is commonly known as the administrative system.

The administrative system is generally in vogue in continental Europe, and is perfectly exemplified in France. The government of the French Republic is highly centralized. All roads lead to Paris, and all powers of government are derived from and strictly controlled by the central authorities at the national capital. French municipalities, known as communes, are recognized as corporate entities with the usual corporate powers and privileges. In addition, they receive from the municipal code certain general and rather indefinite grants of power to manage their internal affairs. These grants of power do not embrace certain fields of authority, however, which in other countries are commonly delegated to municipalities. In France, managing education, poor relief, highways, and police are central functions; and municipalities, when acting in those fields, are mere agents of the central government. Moreover, in the fields which are definitely assigned to municipalities the central government keeps a close tab upon all municipal operations through the medium of administrative supervision.

France is an example of the administrative system.

The administrative machinery of the French Republic heads up in the President, in whose name all official acts are promulgated. But the acts of the President must have the sanction of the ministry, which is responsible to Parliament; and this means that the real headship of the government rests with the Prime Minister and his cabinet. The member of the Cabinet who has jurisdiction over local affairs is the Minister of the Interior. The country is divided into 89 administrative areas called departments, and for each department there is an official known as the prefect. The prefect is appointed by the President of the Republic upon recommendation of the Minister of the Interior, and is therefore subordinate to and responsible to the Minister of the Interior. Each department is in turn subdivided into districts known as arrondissements, and in each of these areas there is a functionary called the sub-prefect, also appointed by the President upon nomination of the Minister of the Interior. The sub-prefect is merely a deputy prefect.

The powers of the French municipality are of three kinds: advisory, provisional, and independent. The advisory powers

embrace those matters with reference to which the municipal authorities have a right to be consulted. The central government, acting generally through the prefect and sub-prefects, has the initiative and the right of final decision, but before taking final action the authorities of the municipality concerned must be consulted and their advice received. But the central authorities are not bound to follow this advice after it is given. The provisional powers include all those in respect to which the municipal authorities have the initiative but cannot take final action without the approval of the prefect or his superiors. The independent powers, as the name suggests, are those which municipalities may exercise without direct interference or restraint on the part of the central government. Needless to say, practically all of the vital and important powers from the point of view of the central government are included in the first two categories. The prefect fixes the dates for the sessions of all municipal councils in his department, and may, at his discretion, suspend the sittings of such councils. He must approve the budget of all municipalities in his department, and has the right to alter the budget by inserting or striking out items. He must ratify the appointment of various municipal officials, and has authority to suspend the mayor for a period of one month. The suspension of the mayor may be extended to three months by the Minister of the Interior, and by presidential decree the mayor may be removed from office. The only recourse of the municipal authorities in the event of deadlock between them and the prefect is to appeal to the Minister of the Interior, and from the Minister of the Interior to the Council of State, which is the supreme administrative tribunal of the Republic.

It is clear, then, that the French city, though not vexed by statutory limitations like the American city, is nevertheless subject to administrative checks which place it wholly under the parental tutelage of the central government. This system of central control is fairly typical of what may be found in all countries of continental Europe; it is in fact one of the notable by-products of the Napoleonic régime, and was extended throughout Europe by the conquests of the first Napoleon.

The mixed system of central control

There is an evident tendency in all countries toward compromise between the legislative and administrative systems of central control; and, as might be expected, the country which has made the most striking progress in this direction is England. After several centuries of wrestling with the problems

of central control, the English have evolved a mixed system, of which the most distinctive thing that can be said is that it is typically and characteristically English. The functions and powers of municipalities are laid down and defined by acts of Parliament. Municipalities, known in England as boroughs, are chartered by act of Parliament, and their powers and prerogatives are determined by the common law, by the general municipal corporations acts (such, for example, as those of 1835 and 1882), and by special or "private" acts applicable to municipalities singly. The various statutory enactments governing cities may be couched in general and indefinite terms or in terms that are explicit, specific, and minute. Circumstances control, and there is no consistent rule.

England as an example of the mixed system

To keep municipalities within the limits established by parliamentary circumscription, various expedients are employed. In the first place, when it is alleged by a citizen that *ultra vires* acts of a municipality encroach upon his rights or impose a financial burden upon him, he may through the ordinary processes of litigation appeal to the courts. If the courts find in favor of the complainant, they may set aside the acts in question, and in cases of tort may give a judgment awarding pecuniary damages to the injured citizen. In the second place, divers administrative departments and agencies of the central government are empowered to issue orders, rules, and regulations supplementing acts of Parliament, to approve or reject municipal ordinances and by-laws on various subjects, to intervene and submit suggestions and advice to municipal authorities, and to supervise the details of certain local business and affairs. The most prominent of these central controlling agencies, none of which is exclusively devoted to the function of central control, are the Ministry of Health, which exercises authority over such matters as poor relief, public health, local boundaries, and local finance; the Board of Trade, which has jurisdiction over certain municipal utilities; the Ministry of Transport, which has extensive authority with reference to street railways, electric light and power plants, ferries, docks, and piers; the Home Office, which exercises supervisory and regulatory control over municipal police; the Ministry of Agriculture and Fisheries, whose field includes markets and fairs, the inspection of foods and drugs, and the suppression of epidemics among animals; and the Board of Education, which oversees the administration of the public school system. The

Ministry of Pensions, the Post Office Department, the Public Works Loan Board, the Treasury, and the Ministry of Labor also have important powers with reference to municipal government.

In the third place, in England the central government keeps municipalities under rein by what are known as grants-in-aid. No more ingenious and effective means of constraining municipal independence has ever been devised. The central government regularly appropriates from the national treasury certain sums of money to be used in assisting municipalities in financing education, the police, health administration, street improvement, poor relief, and housing. No municipality, however, may share in the distribution of these benefactions unless it complies with the regulations prescribed by the central government for the conduct of these particular functions and submits to rigid inspection at the hands of the central authorities to verify its claims to grants-in-aid. The eagerness of municipal officials to shift the burden of taxation as much as possible to the central government is so keen that the exactions of the central government are readily met.

English example being followed in the United States

There is a noticeable tendency in several states of the American Union to borrow a leaf now and then from the British book. Grants-in-aid are increasingly common and seductively popular. Various kinds and degrees of central administrative control or supervision are also being introduced, particularly in such fields as public health, education, public utilities, and finance. Central control goes further, as a rule, in matters of health and education than in other phases of municipal government. The state board or commission of public health exercises mandatory authority over municipal health officials, and under certain circumstances may supersede them altogether. Similar developments are taking place in the field of education. A great many states, through state tax commissions or bureaus of audit and inspection, have extended central administrative control to the domain of municipal finance. A few states have gone so far as to empower the governor, under special circumstances and by special procedure, to remove the mayor, the chief of police, and other municipal officials. Indicative of the trend in this direction is the remarkably drastic and sweeping measure enacted in Michigan in 1923. This measure authorizes the governor, after notice and hearing, to remove all county, township, village, or city officers upon charges of offi-

cial misconduct, wilful neglect of duty, extortion, habitual drunkenness or conviction of having been drunk, or conviction of a felony.

Many arguments are advanced with respect to the merits and shortcomings of the different systems of central control reviewed in the foregoing pages. In the United States the legislative system is unqualifiedly condemned. American state legislatures have been astonishingly inept and perverse in dealing with matters of municipal government. They have boggled, botched, and sinned until American publicists have come to feel that almost anything is preferable to legislative control. Legislative control in the United States has come to be synonymous with malicious meddling in municipal affairs, with corruption and venality, and with arbitrary and contemptuous disregard for urban sentiment and interest by stupid, if not venal, rural politicians. From the point of view of principle, however, these are not the most serious defects of the legislative system of central control. From that point of view the cardinal weakness of the legislative system is that it offers no workable mean between the paralyzing rigidity which results from treating all cities alike under general laws and the demoralizing chaos which results from treating each city separately under special laws. Special legislation for each city is an impossibility in states having a large number of municipalities for the simple and obvious reason that no legislature with the problems of a great state before it can find or spare the time necessary to give adequate consideration to the affairs of all of its municipalities. Uniform legislation applicable alike to all cities, though not unfeasible, is nevertheless an unmitigated abomination, because it compresses all cities, regardless of size or other differences, into a single mould. No municipal code can be sufficiently comprehensive and elastic to anticipate the contingencies of a hundred highly differentiated municipalities. Most municipal codes do not even attempt such a thing, but proceed rather upon the hypothesis that uniformity is the chief object of central control. But uniform rules applied to municipalities may be just as absurd and baneful as uniform rules applied to men. No sane person would command all men to wear garments of the same size, eat the same food, perform the same movements, and think the same thoughts; but many legislatures have commanded all municipalities within their jurisdiction to goose-step even more preposterously than that in order to achieve

The comparative advantages and defects of the different systems of central control

The cardinal weakness of the legislative system

uniformity of municipal government. Unfortunately, however, there is no getting away from uniformity, under the legislative system of control, without seizing the other horn of the dilemma, which is indiscriminate special legislation. There is no *tertium quid*.

The administrative system of central control, by contrast with the legislative system, appears to be a veritable compendium of virtues. It affords opportunity for broad and uniform legislation in matters where uniformity is desirable and practicable, but leaves room for differentiation and special treatment where uniformity is inadvisable. The legislature outlines a general plan of municipal government and procedure, and the administrative functionaries fill in the chinks as the special circumstances of each municipality make expedient. Such is the theory; and when the theory is realized in practice, the results are wholly admirable. Elasticity and flexibility result from the fact that the administrative functionaries charged with the regulation and control of municipal affairs may be invested with discretion to deviate from the rigid rules of the general code as the exigencies of this or that particular city may require. If these officials are conscientious, trained, and experienced, the city benefits not only by its emancipation from the rule of uniformity imposed by a bungling legislature, but also by reason of the supervision of its affairs by technicians of rare ability and insight. But practice does not always measure up to theory; and this is true of the administrative system of central control. The infirmities and sins of bureaucracy are as numerous and reprehensible as those of legislatures; and bureaucratic control often turns out to be as inflexible and arbitrarily indifferent to municipal interests as legislative control. Professor Munro in commenting upon the predicament of French cities says, "... the tendency is to concentrate the entire supervisory power in Paris, although the routine work continues to be scattered among eighty-nine prefectures and three hundred sub-prefectures. The result, according to one critic of the system, is 'apoplexy at the brain center and paralysis in the extremities.' In other words, the ministry of the interior has so many small details thrust upon it that there is great congestion in its offices, while the local authorities have been left with so little initiative as to superinduce a sort of municipal helplessness."[1] It may also happen, as has been the

The virtues and defects of the administrative system

[1] Munro, *The Government of European Cities* (rev. ed.), p. 230.

case at times in France and Italy, that the supervising central officials, swayed by factional, partisan, or personal considerations, are guilty of grave abuses of office and authority. As between the caprice of a venal bureaucrat and the caprice of a pettifogging legislature there is little to choose.

The English process of central control, representing as it does a judicious admixture of the legislative and administrative principles, has seemingly met with greater success than either of its component ingredients when taken separately. It may be that this nondescript scheme of central control is peculiarly adapted to the political genius of the English people; but it is difficult to resist the conviction that there is some merit, apart from the question of local adaptation, in the idea of tempering the radical propensities of both systems by combining them in such a way that they tend to neutralize one another. Local self-government is no mere shibboleth; it is a highly desirable and important requisite in a democracy. Of course local self-government cannot be allowed to subvert the integrity and welfare of the state as a whole. The ideal should be the most extensive local self-government compatible and consistent with the general interests of the state. If this ideal cannot be attained under the legislative and administrative systems of central control — and experience seems to point to that conclusion — it may conceivably be attainable through a felicitous fusion of the two.

The mixed system avoids both extremes.

Selected References

E. S. Griffith, *The Modern Development of City Government,* Vol. II, Chap. XI.

B. W. Maxwell, *Contemporary Municipal Government of Germany,* Chap. II.

W. B. Munro, *Municipal Government and Administration,* Vol. I, Chap. VIII.

W. B. Munro, *The Government of European Cities* (rev. ed.), Chaps. III, XII, XIX, XXI.

Questions and Problems for Discussion

1. Would you wish to live in a free city — one that was not included in any one of our modern national states? What reasons can you suggest for your preferences in this matter?

2. Make a list of the governmental functions which in your judg-

ment may be more satisfactorily performed by local than by central units of government. Which of these, if any, do you think it would be wise to leave to municipalities without central control or supervision?

3. Resolved, that the French system of central control is superior to the American. Argue both sides of the foregoing question.

4. What advantages does the English system of central control have as compared with the French and American systems?

CHAPTER VII

THE CITY AND THE STATE IN THE UNITED STATES

The government of the United States, constituted as it is on a federal basis, presents an almost indescribably complex problem, as regards central control of cities. Prior to the American Revolution the English colonies in America were separate and distinct political entities, united only by bonds of sentiment and sympathy and by a common fealty to the mother country. The regulation of local affairs was, therefore, a matter to be dealt with by each colony separately. Provision was made in each colony for the incorporation of municipalities and for the regulation of municipal affairs by the colonial authorities; but there was no unified and common system of municipal control for the thirteen colonies as a whole. As between the different colonies there were striking similarities and resemblances; but these grew out of the fact that all the colonies evolved their systems of municipal control by the adaptation of English institutions to colonial conditions.

Central control before and after the American Revolution

The Revolution dissolved the bonds which linked the colonies with the mother country and eventuated in the formation of a loose federation of independent states under the Articles of Confederation. The colonies thus became states, and as such they carefully reserved to themselves the utmost possible independence and autonomy, including, of course, the function of controlling and regulating all processes of local government. When the Articles of Confederation were superseded by the present Constitution of the United States in 1789, the states ceded to the newly created federal government a considerable portion of their reserved powers and prerogatives; but these cessions did not touch the field of local government. The function of central control of municipalities and other units of local government remained, as it had always been, exclusively a matter of state law and state administration. So it happened that we began in this country with thirteen distinct and mutually exclusive systems of central control. The number has now

been increased to forty-eight — one for each state of the Union. Therefore anyone who would fully and accurately explore the processes of central control in the United States must be prepared to examine the constitutions, statutes, and administrative operations of each of the forty-eight states. Fortunately, however, the general student, who is not interested in technical details, may be spared this Sisyphean labor. Owing to their common ancestry and to the propensity of the states to imitate one another, the common features of the systems of central control in the different states are quite as pronounced and significant as their differences. By describing these common features it is possible to present a sort of composite picture which, though not faithfully correct for any single state, does nevertheless embody the leading characteristics of the processes of central control as found in all the states.

The legal subordination of the city to the state

In order to get the correct perspective for the picture we must start with a recognition of the undeniable legal subordination of the municipality to the state. Legally the municipality is a mere creature of the state; it has no innate and inherent legal rights as against the state. This doctrine of law has been established by upwards of two centuries of constitutional practice, and is buttressed by innumerable judicial opinions including indefeasible pronouncements of the Supreme Court of the United States. In a few states the courts have manifested a disposition to depart from the iron rigor of this rule, and have handed down opinions which seemed to concede that municipalities, without any explicit authorization in the constitution or laws of the state, may enjoy certain inherent rights of local self-government. After an exhaustive study of these cases, Professor McBain has arrived at the conclusion that this legal heresy has been actually applied in only "three cases in Indiana, in one case in Kentucky, and in one case in Iowa." In respect to the other alleged instances of adhesion to the inherent rights doctrine Professor McBain says, ". . . in spite of certain general and unguarded expressions of opinion, which when isolated from their context seem to lend color of support, a careful examination of the opinions delivered in these cases reveals the fact that in every one of them decision was reached by the construction and application of some specific provision of the state constitution that guaranteed this or that right to cities."[1] Not only is the absolute suzerainty of the state over

[1] McBain, *The Law and Practice of Municipal Home Rule*, p. 12 ff.

its municipalities firmly established in the law, but, as we shall see later, it is not being undermined by the increasingly popular reform known as municipal home rule. The city in the United States has always been, and probably will always remain, a humble and dependent donee of the state. Our first problem, then, is to ascertain what and how the state gives to cities.

The city as a municipal corporation

The first, and possibly the most important, thing which the state bestows upon the municipality is its corporate existence. The city in the United States is a corporation, a municipal corporation. This is the hall-mark of municipal character. An unincorporated place is not a municipality, and an incorporated place is, regardless of all such considerations as area, population, or wealth. Judge McQuillin defines a municipal corporation as: " . . . a legal institution, or body politic and corporate, established by public law, or sovereign power, evidenced by a charter, with defined limits and a population, a corporate name and perpetual succession, primarily to regulate the local or internal affairs of the territory or district incorporated by officers selected by the corporation, and secondarily to share in the civil government of the state in the particular locality." This definition is rather more descriptive than analytical, but for our purposes it states the case very well. A municipality is a " body politic and corporate." This means that it is, like every corporation, an artificial entity created by law and recognized as a person before the law. As a person before the law it is endowed with certain legal attributes. These include the right to have a distinctive corporate name, the right to sue and be sued as a person, the right to contract and be contracted with as a personal entity, the right to acquire, possess, and dispose of property as a person, and the right of perpetual succession. These rights the municipality obtains through the simple fact of its incorporation, and these rights enable the inhabitants to conduct their common business and affairs in much the same manner as an ordinary business corporation does. In addition to these common corporate powers and privileges the state may confer upon the municipal corporation any measure of legal authority and power which the state deems essential to the accomplishment of the functions of the corporation and the performance of its duties as the agent of the state.

The essential fact to keep in mind at this point is that a definite act of sovereign authority is necessary to the genesis of the municipal corporation and to its endowment with power

to function as a political entity. The sovereign power requisite for this purpose resides, under the American constitutional system, in the state and nowhere else. In the colonial period charters to municipal corporations were granted by the colonial governor. This act of incorporation bestowed upon the place incorporated the right of corporate existence with all the common law powers incident thereto. Special powers, over and above the common law powers of municipal corporations, had to come from the colonial legislature. The American Revolution was accompanied by a hysterical distrust of executive authority, and the office of governor was accordingly stripped of all but the shadow of its formerly regal powers and attributes. Most of the prerogatives of the governor were transferred to the legislature, and along with this transposition went the governor's right of granting charters to municipal corporations. When, therefore, the colonies emerged into statehood, the legislatures of the several states were found to be seized and possessed of practically unmeasured authority over municipal corporations. Unless restrained by the state constitution, the legislature had full power to grant or revoke municipal charters, to withhold, give, or withdraw municipal powers at its discretion, and to intervene in municipal affairs according to its own fancy and caprice. The state constitutions of the early period imposed virtually no checks upon the legislature. The legislature at that time was deemed to be the rightful custodian of the sovereignty of the state, and in some instances was even empowered to formulate and revise the constitution of the state itself.

All corporate powers are derived from the state.

The supremacy of the state legislature and the subsequent reaction against it

In the course of a few years, however, state legislatures fell from their high estate. There were many reasons for this, not all of which are germane to this discussion. In the field of municipal legislation state legislatures were charged with gross incompetence and villainous betrayal of popular trust. The facts did not always sustain the charges; but the facts were bad enough, and were sufficient to shake the confidence of the people in legislative rule. There were three courses of procedure open to the legislature in dealing with cities: (1) they could deal with each city separately by means of special enactments applicable to it alone; (2) they could deal with all cities alike by means of general and uniform laws applicable in the same terms to all cities; or (3) they could enact municipal legislation in broad and elastic terms, leaving the details of its

application to particular cities to the discretion of administrative officials. For the most part state legislatures seemed to prefer the first of these three courses of procedure; and thereby hangs a tale.

Special legislation and legislative meddling with local affairs

There is nothing inherently vicious about the practice of special legislation for each city according to its particular requirements; and it may under some circumstances be a very wise and salutary procedure. But it is a path beset with many pitfalls. These were not as obvious a century and a half ago as they are today. In those bygone days less than four per cent of the American people lived in cities, and the total number of municipalities in each state was so small that it was no chore at all for the legislature to treat each city as *sui generis*. The enormous multiplication of cities in this country during the last century has made that an impossible task today. Moreover, the contrast between city and country in those primitive years was by no means as positive and as pregnant with confusion as it is today. Cities then had no unique and highly technical problems of finance, public utilities, engineering, sanitation, and the like to differentiate them from the rural portions of the state; and it was possible, therefore, for a legislature composed of rural politicians to act with a fair degree of intelligence upon urban questions. That, too, is a possibility which time has relegated to limbo.

A very sordid page would be erased from American history if our story could end with the mention of the inherent defects of the system of special legislation as stated in the preceding paragraph; but that would be like stopping a *post mortem* examination with a study of the physiological defects of the deceased and failing to take account of the disease which killed him. The disease that brought about the demise of the régime of special legislation for cities was none other than rotten politics. It is easy to see that the power of special legislation in the hands of a legislature that was venal, blindly partisan, or passionately parochial would constitute a mighty engine for evil-doing. Any city could be singled out and marked for plunder. Its payrolls could be loaded with spoilsmen at the behest of the state legislature; its public utilities, street improvements, and the like could be delivered over to promoters or contractors willing to " salt the palms " of the members of the legislature; its scheme of government could be retailored at will to meet the passing exigencies of any legislative major-

ity. Outrages of this character have occurred not occasionally, but frequently and regularly. The history of every state in the Union is blotted with evidence of the misuse of the power of special legislation for reprehensible political purposes. By sad experience American municipalities have discovered that special legislation not only subjected them to bungling regulation, but also placed them at the mercy of organized gangs of political freebooters whose rascality would stop at nothing short of selling the city out from under the feet of its own citizens.

The struggle for municipal freedom

Small wonder that cities rebelled! They took the only course open to them, and entered upon a long and desperate struggle for freedom — not from state control, but from legislative domination. That struggle has been going on for upwards of a century now, and the lines of battle are still tensely drawn. There have been victories, defeats, and stalemates; but on the whole the tide of battle has moved irresistibly in the direction of municipal freedom. The American city remains, and doubtless always will remain, a humble vassal of the state; but there is now scarcely a state in the Union where the state legislature retains its former mastery of municipal destinies. From the absolutism of the post-colonial period the state legislature has sunk to a position of strictly tethered authority. By one means or another municipalities in all states have succeeded in achieving partial, if not complete, independence of legislative dominion.

The municipal appeal to the courts

The first recourse of cities in their struggle against the legislature was to appeal to the courts. The principle of judicial review became an accepted part of the American constitutional system in the early part of the last century; and from that time forward no one has successfully challenged the right of the courts to set aside and nullify legislative acts deemed by them to be in conflict with the constitution of the nation or the state. By alleging, therefore, that a particular legislative enactment affecting it was unconstitutional, it was always possible for a city to take the issue into court and have an authoritative judicial pronouncement on the question of whether the fundamental laws afforded cities any protection against the aggressive pretensions of the state legislature. The courts, by their interpretation of the constitution, might, and frequently did, impose very appreciable checks upon the freedom of the legislature to deal with cities according to its own lights. The bulging tomes of the law are full of such cases, and it is now considered an

everyday function of the courts to act as arbiter between legislatures and municipalities.

To what extent does the Constitution of the United States limit state legislatures with respect to cities?

In the great majority of these cases it is a state constitution and not the federal constitution whose interpretation is at issue. The Constitution of the United States does not extend to local government directly, and can be invoked in municipal questions only in the event that the action of the state transcends some of the express limitations of the national constitution. There are not many provisions in the national constitution which could be construed to limit the state or the state legislature in their treatment of municipalities. One of these is the contract clause, which forbids any state to "pass any law impairing the obligation of contracts." This clause would protect cities against legislative oppression, provided it were held that municipal charters and other legislative grants to cities are of contractual character. But the courts have not so held. In fact the courts, and particularly the federal courts, have been almost unanimous in the opinion that municipal corporations are political subdivisions of the state for mere convenience, and that neither the charter nor any law conferring powers or vesting property constitutes a contract between the city and the state. A few instances have occurred where the contract clause of the federal constitution has been successfully invoked in state courts to defeat legislation interfering with cities; but these cases do not have the sanction of the federal courts, and in most of them the reasoning has been so confused that it would be hard to say that the decision was based squarely upon the contract clause alone.

The contract clause

Another portion of the federal constitution which might conceivably afford protection to municipalities is the Fourteenth Amendment. Among other things this famous amendment forbids any state to "deprive any person of life, liberty, or property without due process of law" or to "deny to any person within its jurisdiction the equal protection of the laws." Being a corporation, a municipality is a person; and it has been held that corporations are persons within the meaning of the amendment. Therefore it would seem that a municipal corporation would be entitled to the same protection as a private corporation. There have been a great many cases on this point — far too many to be reviewed here. On the whole it may be said that the courts have shown no particular zeal in interpreting the Fourteenth Amendment for the benefit of

The due process clause

cities, and have accorded to municipalities very few of the protections which they readily accord to private corporations. The fact that a municipal corporation is viewed as a political subdivision of the state militates against it in all cases of conflict with the state legislature. In a few cases it has been held that the due process clause would forestall legislative interference with the city's right of contract; but it is not clear in these cases whether the courts have been as much concerned about the city's freedom of contract as about that of the private persons who happened to be contracting with the city. It has also been held that the due process clause will preclude legislative action transferring the property of a municipal corporation to a private person. Aside from these two items, the due process clause can be credited with very little definite opposition to legislative domination of cities. The equal protection clause has been similarly ineffective in this regard. The courts doubtless have been reluctant to read the Constitution literally in controversies involving the question of municipal rights against the state legislature, for fear of plunging our national government indirectly into the domain of local government, a result that would be contrary to the letter and spirit of the instrument. Only in dealing with questions of taxation have they forgotten their caution and laid down a general rule to protect municipalities against legislative action. The federal courts in a long series of cases have evolved a rule to the effect that the Constitution of the United States forbids taxation for a private purpose; and they have categorically held this to mean that a state legislature may neither permit nor compel a municipality to levy taxes of the proscribed character.

The equal protection clause

The public purpose rule in taxation

When, however, we turn from the national constitution to the state constitutions, we find a very different story. All of the state constitutions contain bills of rights and other restrictive provisions placing limitations upon the exercise of legislative power; and the state courts have exhibited a marked readiness to interpret these in such a way as to safeguard cities as much as possible against arbitrary legislative coercion. Some of the state courts, as pointed out above, when unable to find any specific constitutional provision upon which to hang a decision favorable to the municipal side of the question, have taken refuge in the specious doctrine of the inherent right of local self-government. That expedient has been unnecessary in the great majority of states; for it has nearly always been possible

Municipal protection in state constitutions

to find some specific clause in the state constitution upon which a decision might be based. Failing that, it has seldom been difficult to get the constitution amended so as to include an explicit limitation of the desired tenor. As a matter of fact the student of politics may read the story of the struggle for municipal freedom in the progressive modification of state constitutions, much as the geologist reads the story of the progressive development of plant and animal life in the record of the rocks. It is impossible to study the successive changes in the content of state constitutions since 1800 or thereabouts without being struck by the increasing number of constitutional provisions which have been inserted for no other apparent purpose than to circumscribe the freedom of the legislature in dealing with cities. A few of the more common and characteristic of these provisions may be reviewed with profit in this survey.

The local selection of municipal officers

One of the earliest constitutional devices to safeguard municipal independence against legislative caprice was the insertion of a provision in the state constitution guaranteeing the local selection of municipal officers. Guarantees of this kind made their appearance in state constitutions as early as 1812, and by the mid-century they were common. The sweeping guarantee contained in the New York constitution of 1846 is fairly typical. It read: "All city, town, and village officers whose election or appointment is not otherwise provided for by this constitution, shall be elected by the electors of such cities, towns, and villages, or of some division thereof, or appointed by such authorities thereof as the legislature shall designate for that purpose." But state legislatures composed of rapacious spoilsmen were not to be thrown off the trail of their prey by any obstacles that ingenuity could circumvent; and they soon discovered a means of getting around the local selection clause. By creating special metropolitan districts including the municipality but not exactly coincident perhaps with its boundaries, the legislature found a way of taking local administration out of the hands of the municipal authorities without violating the local selection clause of the constitution. Soon there was a spawning of metropolitan police districts, metropolitan park districts, metropolitan improvement districts, and metropolitan districts for the performance of other municipal functions to such an extent that cities were pretty effectually stripped of the administration of their own affairs. The courts held that

these districts did not come within the purview of the constitutional prohibition, not being cities, towns, or villages; and that the legislature might therefore place such a district under the government of a commission or board whose members were chosen directly or indirectly by the legislature itself. Thus it was possible for the legislature to control the distribution of municipal patronage, the letting of municipal contracts, and other matters of political importance in utter disregard of local interests or constitutional guarantees.

The reaction against this metropolitan district idea was prompt and decisive, and led to further constitutional protections for cities. Pennsylvania took the lead in 1873 with a constitutional provision forbidding the legislature to delegate to any special commission or board, private corporation or association, any power to make, supervise, or interfere with any municipal improvement, money, property, or effects, or to levy taxes or to perform any municipal function whatever. Other states quickly followed the example of Pennsylvania, and in a short time constitutional impediments of this character were operating against state legislatures in practically all sections of the Union.

Prohibitions of special districts, boards, or commissions

More drastic, however, than either of the above-mentioned devices for shackling the state legislature are the constitutional prohibitions against special legislation for municipal corporations, which first appeared in the Ohio constitution of 1851. The original Ohio proscription of special legislation was couched in sweeping terms. It defined general laws, declared that such laws should operate uniformly throughout the state, forbade the legislature to pass any special act conferring corporate powers, and required the legislature to provide for the organization, government, and control of cities by general laws. Taking their cue from this, other states proceeded to ban special legislation in more or less stringent terms until now approximately three-fourths of the states have such constitutional provisions.

The banning of special legislation

The vices and dangers of special legislation have already been commented upon. "An act providing for the appointment of a stenographer by the corporation counsel of the city of Binghampton" (New York); "An act to authorize the city council of the city of Lancaster to borrow money to erect a city hall and other buildings" (Ohio); "An act authorizing the city of Edgartown to take eels out of the oyster pond" (Massachusetts); "An act authorizing the city of Hick's Lake to build

bath houses" (Wisconsin) — these and thousands of the same species may have been perfectly innocent and perfectly sound pieces of legislation, and they may have been just the contrary. The practice opens the door to innumerable abuses, and furthermore clogs the channels of legislation with petty local matters entirely beyond the competence of an honest legislature and susceptible of the grossest malefactions at the hands of a dishonest one. The prohibition of special legislation was certainly a prudent expedient, even though it has not always been a successful one. The rule of rigid uniformity, if strictly interpreted and enforced, means that all cities, however large or small, must be locked in a straight-jacket and subjected to absolutely the same treatment in all particulars. This, under some circumstances, may be almost as calamitous as unrestricted special legislation. The courts, therefore, have been under the necessity of viewing the various constitutional interdictions of special legislation with a liberal and practical eye. As a matter of practical expediency some differentiation is desirable; and the courts have been inclined to hold it to be a sufficient compliance with the uniformity rule for the legislature to classify cities according to population and deal with each separate class by uniform legislation. This in a few instances opened the way for complete circumvention of the uniformity rule by means of such a highly refined classification that practically every city was in a class by itself; but generally speaking the classifications were well-intentioned and reasonable.

Other constitutional restrictions of legislative power in the interest of municipal freedom

The tethering of the state legislature by means of constitutional restrictions has taken many forms in addition to those just described. There are many and divers restrictions in relation to municipal finance, municipal utilities, and various other phases of municipal government. An exhaustive survey of state constitutions would show that very few aspects of city government have escaped the attention of our state constitution-makers in their efforts to surround cities with bulwarks against legislative aggression. These constitutional protections undoubtedly have been instrumental in preventing all sorts of vicious and unjustifiable invasions of the domain of municipal government by iniquitous legislatures; but they have not served to emancipate municipalities in a fundamental way from legislative dominion. They are negative in operation rather than positive. The city gains no power to act without express legislative authorization; and the legislature is checked only to the

extent that explicit constitutional barriers are erected against it. Since the interstices between the different constitutional restrictions are bound to be numerous and of an elastic character, it is clear that a state may put any number of negative restrictions into its constitution and still leave plenty of room for the legislature to oppress cities if it should be so inclined. This fact partly accounts for the popularity of that reform which has been called constitutional home rule for cities.

Constitutional home rule for cities

The story of constitutional home rule begins with the inclusion of an article in the Missouri constitution of 1875, which authorized any city having a population of 100,000 inhabitants to frame a charter for its own government and prescribed a mode of procedure for the framing and adoption of such charters. The political origins of this historic constitutional enactment are somewhat obscure, but it seems to have been the culminating act of an ancient vendetta between rural and urban politicians. The only cities eligible for home rule under the terms of the constitution were St. Louis and Kansas City, and they have not made frequent or extensive use of their privilege. California followed Missouri's example in 1879, and then came the newly admitted state of Washington in 1889. Thenceforward the list of adoptions is as follows: Minnesota (1896), Colorado (1902), Oregon (1906), Oklahoma (1907), Michigan (1908), Arizona (1912), Nebraska (1912), Ohio (1912), Texas (1912), Maryland [2] (1915), Pennsylvania [3] (1922), New York (1923), Wisconsin (1924).

The diversity of home-rule provisions

The variations in the terms of the different home-rule provisions are so numerous and extensive that it is impossible to give an accurate summary of them. Missouri, as we have seen, limits home rule to cities of 100,000 population; Minnesota and several other states extend the privilege to all municipalities regardless of population; Texas restricts it to cities of 5,000; Washington raises the limit to 20,000. Similar differences are found with reference to the character of the power bestowed. Missouri gives a home-rule city power to "frame a charter for its own government, consistent with and subject to the Constitution and laws of this State." Colorado bestows the same power plus an itemized list of powers which are declared to belong in the field of local self-government, and caps this with a clause which says, "It is the intention of this article to grant

[2] Applicable only to the city of Baltimore.

[3] Abortive thus far because not self-operating and mandatory.

and confirm to the people of all municipalities coming within its provisions the full right of self-government in both local and municipal matters, and the enumeration herein of certain powers shall not be construed to deny to such cities and towns, and to the people thereof, any right or power essential or proper to the full exercise of such right." Michigan, in striking contrast to Missouri and Colorado, provides that, "The legislature shall provide by general law for the incorporation of cities and by general law for the incorporation of villages. . . . Under such general laws the electors of each city and village shall have power and authority to frame, adopt, and amend its charter. . . ."

The foregoing examples show that a comparative study of home-rule provisions would be a highly involved and technical enterprise. For the expert, such studies are indispensable; but for our purposes they are not. The questions we need to answer in order to get at the fundamentals of home rule are: (1) What is the basic purpose of constitutional home rule? (2) What methods are used to effectuate this purpose, and what difficulties have arisen in the practical application of these methods?

What is the basic purpose of constitutional home rule? It would be hard to say what the original framers of the several home-rule provisions of state constitutions conceived their fundamental objects to be; for their minds were occupied as much with political as with juridical considerations. It is the latter — the fundamental legal purpose of constitutional home rule — which claims our attention. What can be the purpose of conferring home-rule powers upon municipalities by constitutional enactment? Simply this: to assign to municipalities a domain of governmental authority which will belong to them by virtue of a grant in the constitution and not by virtue of delegation through the medium of the legislature. Local self-government is to be made a constitutional prerogative of the city, and the legislature is to be eliminated as a direct factor in the process of central control. Under constitutional home rule — ideally, at any rate — central control should be effected solely through the medium of the constitution as interpreted and applied by the courts. In a sense, therefore, constitutional home rule is merely an extension of the federal principle to state government. The national constitution bisects the total quantum of governmental authority, assigning one portion to

The basic purpose of constitutional home rule

the federal government and the other to the states. Neither the national government nor the state governments need look to any authority other than the constitution itself for power to proceed in the fields assigned to them. In like manner, under constitutional home rule, the state constitution essays to divide the total quantum of state power into two parts, one being assigned to municipalities in their own right by derivation from the constitution, and the other being assigned to the central government of the state. The constitution is the sole source of the right of local self-government and also of the right of general government; and when these two overlap or conflict it is the business of the courts as interpreters of the constitution to reconcile and adjust them.

So much for the theory of the thing. Now comes our second question: What methods are used to effectuate this fundamental purpose? Nearly all the constitutional grants of home-rule power are couched in broad, indefinite, and often ambiguous terms. The framers of these grants probably had only a vague notion of what should properly be included in the field of local self-government; and even though they may have had very definite ideas as to what they wished to do, they were probably forced by considerations of political expediency to confine themselves to language general enough to seem fairly innocuous. In Missouri, as has been noted before, the constitution merely gives a home-rule city the right to " frame a charter for its own government, subject to and consistent with the Constitution and laws of this State. . . ." The Ohio constitution says, " Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws." The home-rule provision of the constitution of Washington says, " Any city containing a population of 20,000 inhabitants, or more, shall be permitted to frame a charter for its own government, consistent with and subject to the Constitution and laws of this State. . . . Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary and other regulations as are not in conflict with general laws." Language comparable with these three examples is to be found in the home-rule provisions of virtually all the home-rule states. In one or two cases, however, as for instance in Michigan, the doubts of the draftsmen of the home-rule article seem to have

The methods of applying the home-rule principle

been so persistent that they expressly empowered the legislature by general laws to mark out the domain of local self-government.

What are local affairs?

Such doubts are well founded; for the question of the precise boundaries of that sphere of local affairs in which municipalities are to have the right of autonomous government is the pivotal issue in the problem of municipal home rule. No one has ever defined local or municipal affairs with such exactitude as to banish all doubts and eliminate all controversies. As Professor Munro has very pertinently remarked, "No clear line of demarcation has been established nor can any principle be deduced from the numerous court decisions." The courts in each state, as concrete issues have arisen, have been obliged to wrestle with the question of local self-government and hew out a line of decisions that would effect some sort of differentiation between general and local affairs. Two things have seriously handicapped the courts in the performance of this task: (1) a total lack of precedents and (2) a prepossession in favor of the *status quo,* which is one of the inherent attributes of the judicial mind. It is not strange, therefore, that the courts have perpetrated numerous dialectic absurdities; it would have been strange if they had not. It is no use trying to reconcile the incongruous and contradictory decisions of the courts of the several home-rule states in construing the same or very similar language. It cannot be done, and is not worth doing anyhow. If the judicial tribunals of one state hold that home rule confers power to construct a building for theatrical purposes, while those of another state hold that it does not; if the courts of one jurisdiction hold that home rule does not empower a city to regulate its local utilities, while those of another hold that it does; if the courts of one state maintain that the phrase "subject to and consistent with the general laws" means that any general enactment of the legislature will prevail over any local enactment on the same subject, while the courts of another state emphatically declare for a contrary interpretation — why, "that's that," and there is little else to be said. The true explanation of these judicial inconsistencies is quite as likely to be found in the political background of the particular situations before the courts as in the infirmities of the judicial mind.

The practical outcome of all this confusion is just this: that cities under constitutional home rule have precisely as much local autonomy as the courts have been willing to concede

them. The most liberal tribunals in dealing with the home-rule power of cities have probably been the courts of Ohio, and the most niggardly have been the courts of Washington. The supreme court of Ohio has even gone so far as to hold that under some circumstances a municipal charter, framed under the home-rule provisions of the constitution, will take priority over a conflicting provision of the state constitution itself. The supreme court of Washington has ruled as follows: "It must be remembered that although the power to frame a charter is conferred by the constitution, no greater intendments are inferred from that fact than if it were conferred by a mere act of the legislature, since, by the same sections, these favored cities are to be at all times subject to the general laws of the state. They are not in any sense erected into independent governments. . . . A charter framed under the constitutional provision is of no more or larger force than a legislative charter, and can lawfully treat only of matters relating to the internal management and control of municipal affairs, subject to constitutional and legislative regulations." [4] In effect, that is to say that the constitution gave home rule with one hand and took it away with the other.

The courts determine the amount of home rule in every state.

Between these two extremes the degrees of municipal independence under home rule vary as greatly as the number of judicial pronouncements on the subject. A few states, notably Colorado, have taken steps to limit the discretion of the courts by means of specific directions in the constitution. In 1912 Colorado added to her home-rule clause, by the process of amendment, the following enumeration of powers declared to be in the domain of local self-government:

Attempts to limit the discretion of the courts by the enumeration of home-rule powers in the constitution

a. The creation and terms of municipal officers, agencies and employments; the definition, regulation and alteration of the powers, duties, qualifications and terms of tenure of all municipal officers, agents and employees;

b. The creation of police courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of police magistrates therefor;

c. The creation of municipal courts; the definition and regulation of the jurisdiction, powers and duties thereof, and the election or appointment of the officers thereof;

d. All matters pertaining to municipal elections in such city or town or to electoral votes therein on measures submitted under the charter or ordinances thereof, including the calling or notice and the

[4] *In re* Cloherty, 2 Wash. 137.

date of such election or vote, the registration of voters, nominations, nomination and election systems, judges and clerks of election, the form of ballots, balloting, challenging, canvassing, certifying the result, securing the purity of elections, guarding against abuses of the elective franchise, and tending to make such elections or electoral votes nonpartisan in character;

e. The issuance, refunding and liquidation of all kinds of municipal obligations including bonds and other obligations of park, water and local improvement districts;

f. The consolidation and management of park or water districts in such cities or towns or within the jurisdiction thereof; but no such consolidation shall be effective until approved by the vote of a majority, in each district to be consolidated, of the qualified electors voting therein upon the question;

g. The assessment of property in such city or town for municipal taxation and the levy and collection of taxes thereon for municipal purposes and special assessments for local improvements; such assessment, levy and collection of taxes and special assessments to be made by municipal officials or by the county or state officials as may be provided by the charter;

h. The imposition, enforcement and collection of fines and penalties for the violation of any provisions of the charter or of any ordinance adopted in pursuance of the charter.

This enumeration followed by the sweeping clause quoted on pages 63–64 above greatly narrows the ambit of judicial dialectics, and insures a stated minimum of municipal independence. Whether this process of constitutional demarcation of the sphere of municipal affairs will solve the problem, remains to be seen. It has the endorsement of many reputable authorities, including the National Municipal League, which has prepared a so-called model home-rule amendment along the lines followed in Colorado.

Home-rule procedure

Perhaps it will not be out of place at this point to insert a few remarks on the subject of home-rule procedure. There has been some controversy on the question of whether the home-rule provisions of state constitutions are self-executing, and conflicting decisions have been rendered. It has not proved to be a matter of great importance, for most cities desiring to avail themselves of the privileges of home rule have followed the charter procedure laid down in the home-rule provisions of the constitution. In a few cases the charter procedure is not prescribed by the constitution, but is left to the legislature or to the people directly through the initiative and referendum.

The favorite mode of procedure, as prescribed in state constitutions, is for the municipal council to initiate proceedings for the selection of a special board or commission to prepare a charter-draft for submission to popular vote. The alternative of initiation by popular petition also exists in a number of home-rule states. In some states it is possible to draft a new charter or amend an old one by the initiative and referendum alone. A number of the home-rule states also provide for the submission of home-rule charters to some state authority, as the governor or the legislature, before they finally take effect.

We now come to the much-debated question of the merits of constitutional home rule. A great many arguments are advanced on both sides of the question. The champion of home rule can make a very plausible case for his side of the argument, and so can the opponent of home rule. In favor of constitutional home rule it is contended that it throws the responsibility for good or bad city government directly upon the people concerned; that it relieves the legislature of the burden of local legislation; that it exempts the city from pernicious intermeddling on the part of the legislature; that it stimulates interest among the people of the city in their own local affairs; and that it opens the way for experimentation in democratic forms and processes of government, which is a valuable thing from the point of view of social progress. Against municipal home rule the principal arguments are that it endangers the unity and sovereignty of the state; that it introduces unnecessary variety and confusion into the forms and processes of municipal government; that it enables politically backward communities to resist general tides of progress; and that it is all right in theory but impossible to carry out in practice. The validity of these opposing arguments cannot be conclusively proved by appeal to the experience of the several home-rule states, for there is as yet no conclusive body of experience. Judged by the experience of one state, home rule may be said to justify the arguments of its proponents; judged by the experience of another state, it may be said to justify the contentions of its enemies. Indeed there have been instances of sufficiently varied experience within a single state to lend support to both sides of the question.

The question of the success or failure of home rule

The arguments pro and contra

Many of the objections to municipal home rule are founded upon misconceptions of the true nature and purpose of the reform. "If cities and towns are entitled to complete self-

determination," queries Professor Munro, "why not also the wards of a city?"[5] The question is unfair because it is based upon an unwarranted assumption. It is not and never has been the purpose of constitutional home rule to give cities "complete self-determination," and no city under home rule has ever achieved anything like complete self-determination. The fundamental purpose of constitutional home rule, as we have observed before, is to change the locus and the *modus operandi* of central control. Instead of flowing from the constitution through a legislative transformer to the city, the currents of political authority flow in a direct line from the constitution to the municipality. This does not give the city complete self-determination; in fact it often results in an increase of the severity of central control, because it subjects every municipal act to the possibility of review in the courts on the question of constitutionality. It does have the effect, however, of placing the initiative in the management of their local affairs in the hands of the municipal authorities, and thus of enabling them to choose and pursue a course of their own until checked by the judicial veto. This in essence is not so different from European methods of central control; the principal point of difference is that European countries place the veto power in the hands of administrative officials, while the home-rule states in this country place it in the hands of the judiciary.

Some misconceptions

Home rule should not be regarded as a panacea; it cannot even be regarded as an unqualified success. Nevertheless it has weakened, if not altogether broken, the stranglehold of the state legislature upon municipal affairs, and has given municipalities a more decisive voice in the working out of their own destinies. In commenting upon this subject some years ago the writer of these lines said, "Regardless of the judicial interpretation of home rule, it will be found that cities are actually enjoying a far larger degree of independence and autonomy than ever before. Whether the courts take a liberal or an illiberal attitude in construing the home-rule powers of cities, it is a fact that they are obliged to take an attitude much more favorable to municipal independence than they assumed under the régime of legislative absolutism; they must approach the question of the status of the city from a wholly different standpoint. No longer is it possible to deny powers to the city simply because they cannot be traced to any legislative grant; on the contrary,

Home rule has resulted in more liberal treatment of cities by both legislatures and courts.

[5] Munro, *The Government of American Cities* (4th ed.), p. 87.

it is generally necessary to establish some irreconcilable conflict between powers claimed by the city and those belonging appropriately to the state. It is not only the judicial attitude, but the legislative attitude as well that has been profoundly altered by the adoption of home rule. The legislature under home rule must be far more circumspect than even before in the enactment of laws pertaining to cities, because it can no longer proceed upon the assumption that its power extends to everything not explicitly forbidden to it." [6] Nothing has occurred in the intervening years to warrant a modification of that judgment.

One cogent reason why constitutional home rule has not eventuated and will not eventuate in complete self-determination for cities is the growing integration of our social and economic life. The machine age has so accelerated the business of living, and has linked us so closely together by means of the telegraph, the telephone, the railway, the automobile, the airplane, and other means of communication and transportation that we verily are, as the sacred book says, members all of one body. The old distinctions between what is local and what is general are being swept away; and many governmental functions that were formerly deemed of local or regional concern alone have been transformed into matters of widespread and general significance. The result has been a universal movement in the direction of functional centralization, in the course of which the state has gained at the expense of the city, the nation at the expense of the state, and, indeed, the international machinery of the world at the expense of the national state. As a consequence of this centralizing movement our state governments have been impelled to occupy, in whole or in part, many fields that were previously left almost exclusively to municipalities or other units of local government. This is notably true of such matters as education, public health, social welfare, public utilities, law enforcement, and taxation. When the state enters such fields as these it usually takes over and administers directly some portions of the business and leaves others to be administered by local units of government under the control and supervision of executive officials of the state government. Thus we are gradually building up in this country a system of central functions locally administered under the watchful eye of a central bureaucracy. Such functions

The growth of central administrative control is cutting down the scope of home rule.

[6] Maxey, *An Outline of Municipal Government*, p. 32.

do not lie in the domain of local affairs, and hence are not within the scope of home rule.

Thus far we have not touched upon the question of the legal liability of municipal corporations. This is a highly technical question which constitutes a special field of study in itself. We shall content ourselves, therefore, with calling attention to just a few of the elementary considerations which it involves. It is an axiom of American law that the sovereign cannot be sued without its own consent. In practice this means that a private person cannot inaugurate legal proceedings against the state unless it has voluntarily waived its sovereign immunity. This immunity does not, however, extend to municipal corporations. They may be haled before the courts as defendants, and may have judgments rendered against them much as though they were private persons possessed of no governmental character. In matters of contract the liability of a municipal corporation is practically the same as that of a private person, which means that a private person may prosecute a suit for breach of contract against a municipality just as he would against another private person.

The legal liability of municipal corporations in the United States

In matters of tort, that is to say civil wrongs, the courts have made a distinction between wrongs committed by the city acting in a public and governmental capacity and wrongs perpetrated by the city acting in a private and proprietary capacity. No clear line of differentiation has been established between the two categories just mentioned, and practicing lawyers are often misled by the incongruities found in the judicial decisions of a single state. In general it may be said that the city is not liable for the torts of its agents or employees when the acts or functions performed by them are of a public and governmental character — then the city is acting as the agent of the sovereign. But the city is held liable for the torts of its officials, agents, or employees when the duties or functions performed by them are of a private and proprietary character. It requires an extensive acquaintance with legal niceties to understand why a city should not be liable for the negligent and wrongful acts of its employees in the operation of a municipal hospital but should be liable for the wrongs of its servants in the operation of a municipal market. The reason is, of course, that the former is held to be public and governmental but the latter is private and proprietary. The rational basis of such distinctions as this is not apparent to the layman whose secur-

ity and well-being are at the mercy of public servants regardless of whether they are performing functions of one class or the other. Such distinctions are not recognized in England, municipalities in that country being held liable for all their torts. In this country a growing body of opinion is to the effect that the interests of justice and public welfare would be served by the abandonment of this kind of highly refined judicial hair-splitting.

Selected References

A. C. Hanford, *Problems in Municipal Government,* Chaps. I, II, III.
C. C. Maxey, *Readings in Municipal Government,* Chap. II.
W. B. Munro, *The Government of American Cities* (4th ed.), Chaps. IV, V, VI.
T. H. Reed, *Municipal Government in the United States,* Chaps. VIII, IX.

Questions and Problems for Discussion

1. Make an investigation of the legal status of your own city and attempt to classify its powers under the following heads: (a) indefeasible powers of local self-government, and (b) powers derived from legislative grants. Ascertain the basic sources of the powers listed in each group.

2. What are the advantages of corporate organization for an urban community?

3. Does your state constitution impose any restrictions upon the power of the legislature to deal with municipal corporations? Which of those restrictions do you conceive to be the most important and why?

4. Defend the contention that special legislation for cities is not necessarily a bad thing.

5. A constitutional convention in the state of X, assembled for the purpose of revising the entire constitution of the state, has appointed a committee to prepare the sections of the proposed new constitution dealing with municipal corporations. The members of this committee express a desire to free cities from improper legislative interference and at the same time to preserve what they conceive to be a desirable superior authority and control on the part of the state government. If you were called upon to advise this committee, what would you suggest?

CHAPTER VIII

THE STRUCTURE OF CITY GOVERNMENT

Anyone who loves a fight will find ample opportunity to indulge his lust for combat in debating the question of the forms of city government. This is a perennial subject of controversy among American students of municipal government, and diametrically opposite opinions are entertained by authorities of unquestioned and equal eminence. Two issues are involved in the controversy: (1) whether the form or system of city government is a matter of any consequence in securing good city government, and (2) which particular system of city government is most likely to produce that beatific régime of efficiency and economy which is the ideal of all municipal reformers. One school of dogmatists quotes with approval Pope's couplet —

Two extreme points of view as to the importance of the form of government

> "For forms of government let fools contest,
> Whatever's best administered is best."

— and solemnly avows a conviction that men and not machinery determine the quality of government. Good men, they say, will produce good government under any system of organization, and bad men will give bad government under the very best system of organization. At the opposite pole of opinion stands an equally dogmatic school of disputants who make a fetish of mechanistic reform. Their ideal is a fool-proof system of governmental machinery which will produce superior results regardless of the character of the men who administer it.

The rational position

The truth undoubtedly lies between these two extremes. Enough experimentation with different systems of city government has been made to demonstrate that mechanistic perfection holds no magic and also that good men may at times be fatally handicapped by unworkable machinery. No one who has followed the progress of scientific management in the business world can fail to be aware of the fact that there are such

things as good organization, which facilitates good management, and bad organization, which impedes good management. These are everyday facts in the business world; but it is fantastic to assume that any scheme of organization can attain such perfection that the competence and integrity of the persons who operate it do not count at all. The intelligent student of political institutions should be quick to recognize the value of simple and effectively coördinated organization, and should endorse every reform which moves in that direction; but no person with a clear insight into the realities of politics will entertain any illusions as to the saving power of the most perfect system of government ever designed by human genius.

Experience has been a most valuable teacher in throwing light upon the question of municipal organization, and has most emphatically driven home one lesson in particular: that it is entirely fallacious to suppose that the results experienced under a given plan of organization will be the same in the sphere of municipal government as they may have been under the same plan in regional, state, or national government. The organization of municipal government has a natural tendency to follow the example of the central government, but this has often proved to be a disappointment. There are such profound differences between the government of a city and that of a province, a state, or a nation that systems of government which may work well in the larger sphere often prove to be poorly adapted to the peculiarities of municipal government. The city is everywhere a subordinate agency of government and subject to the mandatory control of the higher authorities. The broad and fundamental questions of social, economic, and political policy are in the stewardship of the central government. The municipality, on the other hand, moves in a restricted sphere. It is usually treated as a child of tender age, to be constrained and guided by the parental authority of the central government. When freedom of action is given to the city, it is usually limited to strictly local questions having to do with more or less technical matters of municipal housekeeping which require more emphasis upon administration than upon the political phases of government. The compactness of the city brings the various organs of city government into close and continuous contact with the electorate, and this tends to lessen the need for the elaborate representative machinery which is found in regional and national government. The spe-

The fallacy of modelling city government after state or national government

cial needs of the city are somewhat different, therefore, from those of the central government. The city needs governmental machinery specially designed to handle an enormous volume of routine administrative work and to avoid the more complicated political processes that are necessary in government that deals more largely with political matters and, because of the large areas covered, does not come into direct daily contact with the people.

Should the city determine its own form of government?

More vexing even than the problem of adapting the system of government to the special needs of the city is the problem of whether the city should be permitted to choose its own form of government. Both sides of this question have their ardent champions. In behalf of municipal self-determination it is contended that the municipality understands its own needs far better than the central authorities do, that it should be allowed to build upon its own experience, and that it should be enabled to change its government as local conditions dictate instead of being obliged to risk the delay, expense, and uncertainty incident to an appeal to the central authorities. On the other side of the question the argument is that the central government is obliged to impose some limitations upon municipal freedom in order to prevent cities from going to extremes which might endanger the interests of the general government. The city performs a dual function, being both an agency of the central government for local administration and an instrument of local self-government. It is argued, therefore, that if cities are permitted to change their governmental organization at will, they will frequently take steps that will be subversive of the interests of the general government as well as deleterious to the welfare of the cities themselves. Furthermore, it is asserted that circumstances do not vary so greatly from city to city as to warrant indiscriminate diversity of municipal organization, and that a certain degree of uniformity is desirable from the point of view of both the central government and the best interests of the cities themselves.

In practice the arguments in favor of uniformity under central control have usually outweighed those in behalf of municipal self-determination. The United States is the only country in the world in which there is a marked tendency to allow individual cities much leeway in determining the organization and structure of their own government. Nor is this practice anything like universal in the United States. In England, France,

Germany, Italy, and other European countries, as will be seen in the next chapter, the form of municipal government is invariably established by general law which is binding upon all municipalities alike. Minor deviations from the standard system of city government may be permitted sometimes by administrative decree, and the code itself may authorize some departures from the general rule; but on the whole the form of city government in European countries is as stereotyped as statutes can make it. And there is no apparent inclination to forsake the rule of statutory uniformity in favor of a larger degree of municipal independence. The student who wishes to learn about the system of government in vogue in any European city can ordinarily obtain all the needed information by consulting the municipal code of the country in which the city is situated.

Municipal self-determination not common

In the United States a study of the forms of city government presents greater difficulties. Following the American Revolution the several state legislatures acquired full power to deal with municipal government in the different states but were not inclined at first to enact general and uniform municipal codes. They seemed to prefer as far as possible to deal with each city separately by special legislation. When cities were few and municipal problems relatively simple this practice was not open to serious objections and had the obvious advantage of securing elasticity and differentiation in the treatment accorded to cities. But the time came when the abuses of special legislation outnumbered and outweighed the advantages, and thereupon most of the states of the Union adopted constitutional provisions requiring the state legislature to deal with municipalities by general and uniform laws. The result was the enactment throughout the Union of uniform municipal codes applicable to all cities within the state adopting the code. These municipal codes were soon found to be almost as objectionable as the régime of special legislation. All cities were compressed into a single mould whether it was suited to their needs or not, and there was not, as in Europe, any possibility of relief by supplementary administrative action. Hence there arose throughout the country a vociferous demand for municipal freedom from legislative domination either by special or by uniform legislation. This produced several types of reform. In some states the legislature complied with the demand for municipal freedom by enacting permissive legislation which enabled cities, by

The chaotic situation in the United States

conforming with certain requirements as to procedure, to frame and adopt charters of their own choosing. In other states the legislature enacted optional laws, which allowed cities to choose one of three or four systems of municipal government established by general law. And some sixteen states, as pointed out in Chapter VII, placed in their constitutions, and therefore beyond the reach of the legislature, provisions guaranteeing to all municipalities, or to certain classes of municipalities, the right to frame and adopt charters for their own government without permissive authority from the state legislature. Moreover, in states where the power of the state legislature remains substantially unimpaired either by constitutional limitations or voluntary concessions to municipalities, there has come to be a general disposition for the legislature to follow the requests of cities for changes in their governmental systems where such can be accomplished without encountering grave legal or political difficulties.

The bewildering variety of municipal systems in the United States

The combined result of these different factors has been the evolution of many different systems and varieties of municipal government. As one surveys the municipal scene in the United States he is astonished not only by the various types of municipal organization, but also by the diversity of the legal bases underlying this mosaic. Here will be a city operating under the mayor-and-council plan as a result of a special charter granted by the state legislature; here will be another operating under the same system as the result of local election under an optional charter law; a third having the same system will have its charter based upon home rule legislation enacted by the state legislature; a fourth under substantially the same plan of government will have a home-rule charter adopted under provisions of the state constitution independent of legislative authorization; and a fifth will have the very same system of government imposed upon it by the terms of a uniform municipal code. Cities by the hundreds operate under the commission plan, the manager plan, and various other plans, the legal foundations of which vary as widely as in the case of the mayor-and-council plan mentioned above. It is no wonder that American municipal government is bewildering to the foreigner; it is baffling to the American himself unless he be something of a specialist.

As a consequence of the amazing variety of municipal forms in the United States we have a type of municipal problem that

is not encountered elsewhere in the world. With us each particular type of municipal government has become a storm center, and the question of its merits as compared with other systems is argued with the utmost vehemence. Likewise each system of basic legal control has its champions and opponents, and so gives rise to strenuous controversies. An American city may be convulsed over the question of whether it should substitute one plan of government for another, and at the same time there may be a violent controversy as to whether the city should have the right to frame and adopt its own charter or be subject to some sort of legislative restriction. The urbanite on the other side of the Atlantic escapes this endless round of controversy, and escapes much of the complexity and perplexity, and also perhaps much of the gayety, which characterize municipal politics in the United States.

The controversial nature of the municipal question in the United States

Selected References

W. B. Munro, *The Government of American Cities* (4th ed.), Chap. XIV.

Questions and Problems for Discussion

1. Do you think it wise to allow cities absolute freedom in choosing their own forms of government? Are there any dangers in this practice?
2. Why is there such diversity in the structure of municipal government in the United States?
3. When a city has conspicuously bad or conspicuously good government, how would you determine whether the blame or credit should be attributed to the form of city government or to other causes?

CHAPTER IX

EUROPEAN SYSTEMS OF CITY GOVERNMENT

Although European countries have not exhibited the same predilection for experimentation in the organization of municipal government that has been characteristic of municipal development in the United States, it is true, nevertheless, that the evolution of municipal institutions in Europe has been accompanied by profound and sweeping changes. These changes have come much less frequently than in the United States, with much less of the trial-and-error attitude, and with very much less deviation from the uniform type.

Suggested reasons for uniformity of municipal organization in European countries

It is not easy to find a simple or wholly satisfactory explanation for this striking contrast between European and American experience. The causes are numerous and complex, and do not operate in identical correlations in any two countries. There is some food for thought in the fact that the United States is a country of continental magnitude with a federal system of government, whereas most of the European countries occupy relatively small and compact territories and have unitary systems of government. Certainly there is less incentive to diversify, less need for it, and less chance for it in a small country whose local institutions are in the final custody of a single central government than in a spacious continental empire whose local institutions are regulated and controlled by forty-eight component states. It is also probable that the administrative system of central control, prevailing to some degree in all European countries, has introduced an element of elasticity into the processes of municipal government which has had the effect of rendering the uniform system of municipal government adaptable to widely differing circumstances. The legislative system of central control which obtains in the United States, lacking this flexibility, forces cities to seek relief through pressure upon the legislature for structural changes rather than through administrative adjustment as in Europe. Another thing to be borne in mind, also, is the greater stability of in-

stitutional life in Europe than in the United States, the slower rate of social and economic change, and the prepotent influence of a historical background covering a span of several centuries.

Because it is the mother of American municipal institutions, English city government probably has more interest for Americans than any other system of city government in Europe. Present-day municipal government in England, although it rests upon a statutory foundation, is really the culmination of an unbroken process of evolution which may be traced back as far as the primitive Saxon borough. The Municipal Corporations Act of 1835 represents the first attempt of Parliament to enact legislation dealing with municipal institutions in a broad and comprehensive way. It covered such matters as central control, the scope and extent of municipal functions, and the organization and procedure of municipal government. But, as Professor Munro emphatically declares, it "did not make any break in the continuity of English municipal development. It changed the basis of borough government from usage to statute, from a mass of customs to a code. But it did not . . . wipe the slate clean and begin anew. It merely endeavored to transform into reality what had been the theory of English borough government for many centuries."[1] The Act of 1835 was followed in course of time by many pieces of supplementary legislation, and in 1882 a consolidating statute was passed for the purpose of bringing together all previous legislation as a single, comprehensive municipal code. This so-called Municipal Corporations Act of 1882 plus the statutory enactments which have accumulated since that time forms the basis of municipal government in England today. The municipal corporations law provides for the chartering of urban communities as boroughs, and urban communities which are not so chartered are not, from the legal point of view, municipalities. Such communities are governed under the provisions of a statute enacted in 1894, which provided for the creation and government of entities to be known as urban and rural districts.

Municipal government in England

The municipal code

With the exception of metropolitan London and one or two other places enjoying special dispensations, the municipal code of England prescribes a uniform system of government for all municipalities. All municipal corporations are known as boroughs, though not all boroughs are municipal corporations. The particular boroughs which come under the provisions of

The borough

[1] Munro, *The Government of European Cities* (rev. ed.), pp. 21–22.

the municipal code are designated generally as municipal boroughs and county boroughs. A county borough is a municipal borough that has attained a population of 50,000 and has been therefore juridically detached from its county and made into a separate county with a combined city and county government. The term " city " is used in a restricted sense in England. A city is a municipal or county borough which is, or has been, the resident seat of a bishop or archbishop, or which has had the title of city conferred upon it by royal grant. The elevation of a borough to the status of a city makes no difference in its government except that its mayor is transformed into a lord mayor with all the privileges and dignities appurtenant thereto.

The organic unity of borough government

The most striking fact about English municipal government, from the American point of view, is its organic unity. Every phase of the governmental process centers in, or revolves about, the town council, as it is called in the British vernacular. There is no organic differentiation, no separation of powers, no system of checks and balances; the council is the " whole works " in the government of the borough. It possesses and exercises all the powers which the law bestows upon municipal corporations; it enacts municipal ordinances or by-laws, directs and controls the execution of its own legislation, chooses the mayor and all other important officials and employees, manages the finances of the borough, and assumes responsibility for all other matters which may require attention or action at the hands of the municipal authorities.

The composition of the council

The members of this omnicompetent body are of two classes, known as councillors and aldermen. Subject to the requirements of the general municipal code, the number of councillors is determined by a provision in the borough charter. The number varies according to the population of the borough, being commonly in excess of fifty and not infrequently in excess of one hundred. The councillors represent subdivisions of the borough known as wards, and are elected by direct vote of the qualified electors of the ward. The number of councillors from each ward may be three, six, or nine. They are elected for three-year rotating terms, so that each ward annually elects one-third of its total representation in the council. The aldermen are not elected by popular vote, but are chosen by the councillors from their own ranks or from outside as they prefer. In case a councillor is chosen to be an alderman, his seat

as councillor is vacated and is filled at a by-election. There are one-third as many aldermen as councillors, and they are elected for a term of six years. Aside from this their position in the council is virtually the same as that of the councillors. The councillors and aldermen sitting together as a single-chambered body constitute the town council.

How executive officials are chosen

The mayor and all the executive officials and employees of the municipality are chosen by, or with, the approval of the town council. It also has the power to suspend or remove any or all members of the administrative establishment, and to control and supervise in utmost detail all activities carried on by the different administrative agencies.

The mayor

The mayor, or lord mayor, as the case may be, is chosen annually by the council. The council may choose one of its own members or may bestow this distinction upon an outsider. The office is one of great honor; but it is an expensive luxury, and the council usually endeavors to award it to a wealthy citizen whose purse will stand the strain. The mayor is the presiding officer of the council and titular head of the government of the borough, but his position is one of prestige without power. He has no executive functions whatsoever and exerts little direct influence upon legislation. Nevertheless the mayor may, if he be a person of prominence, discretion, and keen understanding of human problems, exert an enormous influence upon the processes of municipal government in an indirect and unofficial way. Because of his wealth and social prominence and because also of his detached and independent position with reference to current political controversies, it is possible for him to perform invaluable services as an emollient. He may advise, mediate, coördinate, conciliate, suggest, and stimulate. He may be the most powerless member of the city government, but he is also the most distinguished and honored member. If he has the personal qualities to match his eminence, he may render to his city statesmanlike services of a very high order.

The department heads

The council regularly appoints a number of other city officials in addition to the mayor. The most prominent of these are the town clerk, the borough surveyor or engineer, the borough treasurer, the chief constable, and the medical officer of health. These officials are not appointed for a fixed term of office but hold office at the pleasure of the council, which means in practice that they are retained as long as they give satisfaction. The town clerk is the most interesting, and probably the

most important of these various functionaries. He is secretary of the council and of its several committees; he is also the chief secretarial and custodial officer of the borough; he has charge of the registration of voters; he is commonly a lawyer and acts as legal adviser of the borough; he is legislative draftsman for the council; he serves as a point of contact and channel of communication between the borough and the central authorities; and in addition to the foregoing he transacts many other items of business imposed upon him by the council. He is, in short, the main cog of the administrative system, the one with which all others must mesh in order to make the machinery run. The surveyor has charge of the public works of the municipality; the treasurer has charge of accounts, disbursements, and finance; the chief constable is head of the police department; the medical officer has charge of the health department. If there are other departments, such as fire, parks, waterworks, or public utilities, the superintendents of these departments are also appointed and controlled by the council.

The selection of administrative personnel

All administrative functionaries, as has been stated above, are subject to appointment and removal by the council at will. It is a general rule, however, that they shall enjoy permanent tenure and shall be removed only for cause. This is a matter of usage and not of law. Custom also dictates that the initial appointments shall be made on the basis of merit rather than upon the basis of political influence. Legally the council's freedom of choice is not greatly restricted, but as a matter of practice vacancies are filled by procedure which lays great stress upon the special qualifications of the candidates. The existence of the vacancy is advertised in the various municipal journals and the more widely read newspapers, and properly qualified persons are invited to submit applications. From the list of applicants thus secured the council selects a person to fill the vacancy. Consistent adherence to this procedure has elevated municipal service in Great Britain to the rank of a profession. A man may start in a very humble position in one of the municipal departments of a provincial city and advance step by step to a department headship in one of the largest municipalities of the kingdom. When a young man enters the service of one of the British municipalities, no matter how insignificant the position he takes at first, he has the assurance of a career before him if he develops the requisite qualifications. He will gradually move up from lower positions

to higher ones, from smaller municipalities to larger ones, until he has achieved a high rank and a generous salary. It is, of course, largely a matter of custom that this procedure should be followed; but it is a most fortunate custom, for it is mainly responsible for the excellence of municipal administration in English cities.

The importance of the committee system

Custom has also transformed the process of municipal government in England in another significant particular. Nominally the council functions as a whole in the discharge of its manifold tasks, but actually the work is largely accomplished through the medium of a series of standing committees. There is a standing committee for each important municipal function, the members of each committee being elected by the council for a term of one year upon the nomination of a special committee of selection. But custom decrees that, although the committees are reëlected annually, once a member of the council has been assigned to a given committee he shall have the privilege of retaining that assignment as long as he remains in the council if he so desire. Thus there is achieved a permanence and continuity of committee personnel which enormously enhances the prestige and proficiency of the committee. Each committee tends to become a miniature council, dealing with a single phase of municipal government, and the long experience and thorough familiarity of the members of the committee with that one subject enable the committee under normal conditions to sway the council about as it will. In fact the council leans heavily upon its committees and virtually deputizes them to do the work of the council in the particular fields assigned to them. The permanent administrative officials in each department are chosen by the council, but in so doing the council usually adheres to the recommendations of the committee or committees having to do with the work of that department. This results in establishing a close bond between the several committees and the permanent officials who are in charge of the administrative services dealing with the functions delegated to the different committees. The chief constable and the police department become a sort of technical staff for the watch committee; the superintendent of waterworks and his subordinates bear a like relation to the water committee, the medical officer to the health committee, the surveyor to the public works committee, and so on. All important proposals and decisions are first threshed out by the committee and the permanent officials

Committees direct administration.

in charge of the particular functions involved, and are then passed on to the council with recommendations. At first glance this system of procedure would seem to preclude all possibility of coördination between the different committees and departments; but here is where the town clerk and the mayor do yeoman service. The town clerk is secretary of all committees, as well as secretary of the council, and the mayor is *ex officio* a member of all standing committees. The personal influence of the mayor together with the compendious information and sound, expert judgment of the town clerk are the means of bringing order out of impending chaos by effecting harmonious coöperation between committees and departments.

Municipal government in France

The French system of city government bears only a superficial resemblance to the English system. We find some of the same terms — council, mayor, etc., — but the resemblance does not go much beyond similarity of terms. Modern French municipal government dates from the régime of the first Napoleon. The Revolution had swept everything before it, and Napoleon had a clear field for constructive innovation. What he did was to turn his back upon the Revolutionary experiments with local self-government and to regiment the local institutions of France in the same fashion as he organized his armies. France was divided into 83 departments, and over each of these territorial subdivisions of the country was placed an official known as the prefect, appointed by and responsible to the central government at Paris — in other words to Napoleon himself. Each department was in turn cut up into arrondissements, and each of these was presided over by a subprefect, a subaltern of the prefect appointed by and responsible to the central authorities. Each of the arrondissements was divided into communes, and these were governed by a mayor, one or more adjoints, and a council, all of whom were appointed by the central authorities upon recommendation of the prefects and subprefects. This system, with one or two notable exceptions, has survived the turbulent vicissitudes of post-Napoleonic history and stands intact today. The voters of the commune are now permitted to elect their own council, and the council in turn chooses the mayor and adjoints; but these locally chosen functionaries are so closely tethered by the iron hand of central authority that many Frenchmen entertain cynical doubts as to the reality of local government in the French Republic.

The modern commune

The commune, which is the basic unit of local administration,

is not necessarily a municipality in the American or English sense of that term. It may be a purely rural area, a country village, a moderate-sized town, or a big city. But all communes are governed under the same basic law — the *Loi municipale* of 1884 — and have practically the same governmental organization. Paris is the one conspicuous exception; it forms a separate department, known as the Department of the Seine, and the government of Paris includes a considerable variety of local units.

The council: composition and functions

The council of the commune is elected by direct popular vote on the basis of universal manhood suffrage. In communes of less than 10,000 inhabitants the councillors are elected at large; but if the population exceeds 10,000 the commune may be divided into wards for electoral purposes. The number of councillors varies, according to the provisions of the municipal code, with the size of the commune. The minimum number of councillors is ten and the maximum is thirty-six, but there are one or two communes with a larger council than thirty-six. The first and most important business of a newly elected council is to choose, for a term of four years, the mayor and the adjoints. The adjoints are personal deputies or assistants to the mayor, and their number varies from one to twelve according to the population of the commune. The mayor and adjoints are selected from the membership of the council itself, and do not surrender their seats in the council as a result of their elevation to executive posts. As has been explained in Chapter VI, the powers of the communal council are greatly circumscribed by the potent and grasping hand of central authority. Within the field assigned to it the council is supposed to be the policy-determining organ of the communal government; but so many matters require the approval of the prefect, or are open to prefectural intervention, that one gets the impression that most of the acts of the council are of a tentative character.

The executive machinery of the commune

The mayor and the adjoints head up the executive machinery of the commune. They are also members of the council, elected to their executive positions by the council itself, but they are not humble servants of the council. Neither are they independent executive officials. They are indebted to the council for their executive offices and would not be so honored if they could not possess and retain the confidence and support of the council. They could not be expected, therefore, to make a

business of antagonizing or defying the council. On the other hand, they are invested by law with many independent powers and prerogatives, and in the performance of many of their duties are required to proceed more or less independently. In fact they are responsible to the prefect about as much as to the council. Usually there is worked out a nice adjustment of personal, political, and legal relations between the council and its executive members which avoids serious friction and produces effective coöperation.

The mayor

Monsieur le maire is the chief dignitary of the French commune. Usually he is a man who has seen long service in the council and has by his artful tactics as a politician built up a large measure of good will both in the council and in the community at large. As mayor he enjoys a ceremonial precedence that is dear to the heart of every Frenchman, and has planted his foot upon the first rung of a ladder leading to almost certain advancement in national politics should he aspire to a career in the national political arena. But the office carries more than titular dignity and prestige. The French mayor wields real power. With one or two important exceptions, he appoints all administrative officials of the commune from top to bottom. In the case of police officials the mayor's appointments must be ratified by the prefect, but otherwise his discretion in making appointments is subject to no limitations except the stipulations of the general laws and the civil service rules as to the special qualifications required of the incumbents of different positions. The mayor's power to suspend and remove is provisional; he takes the initiative, but final action rests with a special disciplinary council made up of the mayor, four councillors designated by the council, and two employees of the same rank as the arraigned employee.

The mayor's functions

The mayor has extensive powers and duties in relation to the financial affairs of the commune. He is general overseer of the collection of revenues, must prepare and submit to the council an annual analysis of the financial condition of the commune, and is responsible for the preparation and submission to the council of the annual budget. The mayor is responsible as a general supervisor for the management of all public property and for the handling of the invested funds of the commune. He has exceptionally important functions with reference to the police department. The heads of the police department are appointed by the President of the Republic; the ordinary gen-

darmes (patrolmen) are appointed by the Minister of War upon the request of the mayor; all the clerical and special officers are appointed by the mayor with the approval of the prefect. The actual day-to-day management of the police force of the city is in the hands of the mayor; but he proceeds under the vigilant supervision of the prefect, and is restricted by an imposing array of general laws and special decrees.

The ordinance power of the mayor

Perhaps the unique function of the French mayor is the issuance and promulgation of ordinances and decrees known as *arrêts*. It is his duty to issue decrees carrying out in detail the actions of the National Parliament, of the President of the Republic and his ministers, and of the council of the commune. He may also issue and enforce decrees upon his own initiative, provided they do not conflict with the general laws. In the exercise of this latter function, however, the mayor is almost completely under the thumb of the central government. The powers that have been enumerated here do not by any means exhaust the functions of the mayor. He has many duties of a more routine character, such as the compilation of vital statistics, the compilation of the register of voters, the supervision of elections, and the upkeep of minor streets. In addition to all these duties he acts as presiding officer of the council. Sinecure? Idle honor? Certainly no one in France leads a busier life than *Monsieur le maire*.

The adjoints

The relation of the adjoints to the mayor depends largely upon the personality of the latter. Nominally the adjoints are assistants or helpers of the mayor. The mayor is expected to distribute the functions of administration among the adjoints in such a way that there will be one adjoint for each important division of the administrative service. They do not function as heads of departments, but rather as contact men and official observers representing the mayor. The assignment of functions to the adjoints is in the hands of the mayor, and by this means he is able to control their relationship to himself and the administration. A vigorous, aggressive, and ambitious mayor will not rely overmuch upon his adjoints, but a mayor of the more passive type will lean heavily upon them. The adjoints are not full-time, professional officials; they are laymen — members of the council — devoting only such time to public service as they can spare from their private affairs. The same is true theoretically of the mayor, but in the larger communes the mayor is obliged to give practically all his time to

public affairs. For this devotion to public service his only reward is honor; no salary is attached to the office.

The committee system

The French municipal council, despite the fact that the heads of the administrative establishment are its appointees, does not enjoy a close and constant contact with the details of administration. There is a committee of the council for each important division of the administrative service, but the functions of these committees are primarily of an advisory and consultative character. They seldom take a direct hand in the business of administration as English, and sometimes American, councilmanic committees do. The chasm between legislation and administration is bridged over at one point only, through the office of mayor.

The permanent administrative establishment

The routine operations of administration in the French city are carried on by a permanent administrative establishment under civil service rules, or, in the case of department heads, under stringent statutory regulations. Councils, mayors, adjoints come and go, but these professional public servants go serenely on with the daily business of municipal housekeeping. *Secrétaire, receveur, commissaire,* and the various *chefs de service* — these and their numerous subordinates are the personages who take Jean Citoyen in hand and put him through the fine-grinding mill of meticulous bureaucracy.

German city government

German cities did not emerge from mediaevalism until after the conquests of Napoleon had shattered the old order and opened the way for complete reconstruction. When, after the reverses suffered by the imperious Corsican, the German states were free to administer their own affairs again, they proceeded to make radical changes in municipal government. Prussia adopted a comprehensive municipal code in 1808, and this was subjected to extensive revision in 1853. During the same period most of the other German states followed the example of Prussia and put into operation municipal codes patterned more or less after the Prussian model. Thus even before the achievement of national unity in 1871 there was substantial uniformity of municipal government throughout Germany. No material change was made in municipal institutions by the adoption of the imperial constitution in 1871, and from that time forward until the adoption of the republican constitution in 1918 German city government continued to bear the unmistakable stamp of 1808 and 1853. The revolution of 1918 and the republican constitutional system adopted in consequence

thereof made no considerable changes in the structure of city government; but there were two noteworthy changes in the legal and political basis of city government.

Little local autonomy prior to 1918

The codes of 1808 and 1853 followed the principle of bestowing broad and indefinite powers upon municipalities, subject to the proviso that nothing should be done to contravene the general laws and that the sanction of the central administrative authorities should be necessary for the validity of a great many of the acts of municipal government. This made it possible to develop in Germany, and particularly in Prussia, a system of central control every bit as highly centralized and regimented as that of France. From the Minister of the Interior the line of control ran to the various provincial presidents, from them to the district presidents, and thence to the municipal authorities. German bureaucracy was no less arbitrary and grasping than French officialdom, and as a result, whatever may have been the intent of the codes, German cities did not in practice enjoy any appreciable amount of local autonomy. The revolution of 1918 resulted not only in the adoption of a new national constitution, but also set in motion a wholesale revision of state constitutions and municipal codes. Virtually all these revised instruments undertake to guarantee municipal autonomy, subject to a certain degree of necessary central control. What the outcome of this will be no one can say. Sufficient time has not elapsed for it to bear fruit yet, and only time will prove whether the German mind can accommodate itself to genuine local freedom.

The new basis of suffrage

The second noteworthy departure from the old régime is the new basis of suffrage. Under the old system the members of the municipal council were elected by a curious three-class system of voting. All male German citizens twenty-four years of age or over were entitled to vote upon satisfaction of the residence requirement plus a taxpaying or property-owning requirement. This meant practically universal manhood suffrage; but the votes of the electors were not of equal weight. The total electorate was divided into three groups, according to the amount of taxes paid by each, and each of these groups elected one-third of the membership of the council. Thus the first group would consist of a small number of large taxpayers, which would elect a third of the councillors; the second group would consist of a large number of moderate taxpayers, which would elect a third of the councillors; the third group, contain-

ing the great mass of voters who were very small taxpayers, would elect only a third of the councillors. This utterly undemocratic system of election has been displaced by universal, equal suffrage with proportional representation.

Types of city government in Germany

Germany has three general types of city government. The most common type is the Prussian system, often called the "magisterial" type. This type has a municipal council containing from eleven to upwards of a hundred members, the number varying with the population of the city. The council is purely a deliberative and policy-determining body. It chooses the administrative board (*Magistrat*) and the burgomaster. The size of the administrative board is determined by vote of the council. It contains two classes of members — professional members, who receive pay and devote their whole time to the service of the city, and lay members, who receive no pay. The professional members have a term of twelve years, and the unpaid members a term of four years. The paid magistrates are trained experts who are hired to manage the business of the city just as corporation executives are hired to manage the affairs of the corporation. Each of them is head of an administrative department, and, sitting together with the unpaid lay members, they constitute the executive directorate of the city. The burgomaster (sometimes there are two burgomasters) is also a trained expert who is hired for a term of twelve years. He does not assume the headship of any specific department, but is responsible for general oversight and supervision of all municipal business. He sits with the administrative board, but not as a directing superior. His function is that of coördination, adjustment, and general administration. The other professional members of the administrative board have specific departments to look after; the burgomaster has a roving commission, and must look after the interests of the city as a whole. One other feature of this system deserves brief notice, namely, the joint commissions, or *Deputationen*. These are elected by the city council, one for each administrative department. Each joint commission consists of a paid magistrate, one or more unpaid magistrates, several members of the council, and a few private citizens. The joint commission is a sort of *liaison* agency between the magistrates, the council, and the general body of citizens. It enjoys very little definitive power but is capable of exerting great influence by way of advice and suggestion.

The magisterial system

The other two systems of city government in Germany are not by any means as extensively employed as the magisterial system. The Rhine Province dispenses with the administrative board, and confers administrative authority upon the burgomaster alone. He is then given a number of assistants or deputies to enable him to carry on the details of administration. The position of the burgomaster under this system is somewhat like that of the city manager in the United States. Several of the South German states have a councilmanic system. The council is made up of elective members and appointed magistrates, but functions as a single organ of government. The magistrates are simply executive members of the council, who, in addition to joining in the regular work of the council, carry on the administrative services of the city. This system is somewhat like the British plan.

Other German systems

Our survey of European systems of city government has now covered all of the major European states except Russia and Italy. Both of these countries are at present under the dominion of military dictators, and it is very doubtful whether their present municipal institutions will outlast the duration of the dictatorship. In Russia the soviet system is applied to municipalities in much the same way as to larger governmental areas. The urban soviets are provided for in the Bolshevik constitution of 1918, and are chosen by primary assemblies of workers in factories and shops. The soviet is a commission endowed with plenary power to govern. In its sphere it may be legislature, executive, and judiciary all rolled into one, or it may delegate its power as it sees fit to special agencies constituted by it. In Italy the long-established system of municipal government has been suspended by two decrees of Mussolini which place the government of each city in the hands of a proconsul (*podesta*) appointed by the central government. This Fascist viceroy has associated with him an advisory council containing local representation not unacceptable to the central authorities; but it has no power to control or determine his actions.

City government in Russia and Italy

City government in the minor European countries exhibits many interesting features, but none of sufficient singularity or significance to warrant treatment in a brief survey such as has been undertaken in this chapter.

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Questions and Problems for Discussion

1. Which features of the English system of municipal government do you consider the least conformable with American ideas as to municipal organization and procedure? Would the English system work in this country?

2. Which features of the French municipal system stand out in your mind as the most significant by contrast with the English system? Would the English system benefit by borrowing some features of the French system?

3. Can you suggest any reason why there should be greater diversity of municipal organization in Germany than in England and France?

4. Could it be said that the administrative system of English cities functions in reality very much like the administrative board in German cities? List the similarities and dissimilarities of the two systems.

CHAPTER X

MUNICIPAL INSTITUTIONS IN LATIN AMERICA

The concrete, practical achievements of municipal government in the republics of Latin America, like their experiences with popular institutions generally, range all the way from the best to the worst, from the most progressive and enlightened to the most backward and benighted; but in the externals of city government, particularly in matters of form and procedure, there is a remarkable uniformity. Except in Brazil, French and Spanish models are faithfully followed all the way from the Rio Grande to the Straits of Magellan. This does not mean that there are no local deviations from Old World prototypes, but it does mean that the general outlines and principles of the French and Spanish municipal systems are reproduced and generally adhered to throughout Latin America.

Wide variations in achievement, but general similarity in principles

With the essentials of the French system of city government in mind, a brief summary is all that is necessary to a comprehension of Spanish municipal institutions. Prior to the adoption of the liberal constitution of 1869 Spanish communal government was as completely regimented under central control as its counterpart across the Pyrenees, and in much the same manner. The constitution of 1869 attempted to give both provinces and communes a larger degree of local autonomy, and to that end provided in substance that neither the Cortes (the national legislature) nor the national executive should interfere with provincial or communal administration except when these local authorities were guilty of exceeding their powers to the detriment of general public interests. Although this constitutional guarantee of local autonomy has not been strictly observed in practice, its effect upon municipal government has been to insure to the *ayuntamiento* or council of the commune a more generous degree of freedom than municipal councils in continental Europe commonly enjoy. The Spanish city council consists of from five to thirty-nine members

French and Spanish models

elected by the qualified voters of the commune for a term of four years. The terms rotate so that one-half of the members retire biennially. The members of the council, as in France, elect one of their number to serve as *alcalde* or mayor, although in certain of the larger municipalities the mayor is appointed by the crown. The mayor is the chief executive officer of the city, just as in France.

Latin America borrowed from both old and new Spanish systems.

The Spanish settlements in the Americas were all founded prior to the adoption of the constitution of 1869, and most of the Spanish-American republics were also launched upon their independent careers before that time. It was therefore the old Spanish system of local administration rather than the reformed system of recent times which served as the original model for local administration in the Spanish colonies of the New World. Independence undoubtedly was accompanied by some departures from the hierarchical system of Old Spain, but they were not as numerous or extensive as might be imagined. All through Latin America today we find municipal institutions and practices that are strongly reminiscent of the old Spanish system, and alongside of these may be found numerous evidences of the influence of newer developments in the mother country.

It is manifestly impossible in the brief survey permitted by the limits of this book to undertake a detailed description of the municipal institutions of all of the twenty republics of Latin America or of any one of them. All that we can do is to select a few of the most prominent Latin-American states and present a very condensed statement of the most salient features of the municipal institutions of each. The countries selected for this purpose are Chile, Peru, Argentina, Mexico, and Brazil.

City government in Chile

Local government in Chile exists in name and, according to North American ideas, in name only. The country is divided into major units called provinces, which are subdivided into departments, these in turn being partitioned into subdelegations which are themselves divided into districts. Municipalities have no regular place in this hierarchical scheme. The capital of each department is constituted a municipality, and certain other places may be so designated by the president of the republic with the approval of the council of state. Under the organic law for municipal corporations every municipality must have three *alcaldes* and six councilmen, but

cities with a population exceeding 100,000 have one additional councilman for each additional 50,000 inhabitants. The councilmen are elected by the qualified voters of the municipality, and the *alcaldes* are elected by the council. The *intendente* or executive chief of the province, an appointee of the president of the republic, is the presiding officer of the council if and when present at its meetings. In his absence the first *alcalde* assumes his duties, and the second and third *alcaldes* succeed in the order named in the event of the absence of the first. The *intendente* of the province has authority to veto or suspend any act or resolution of the municipal council which he deems prejudicial to public order. Subject to this limitation the council has general charge of the affairs of the city and organizes and directs the work of administration. Police and sometimes other functions of local government are administered by the national government.

City government in Peru

In Peru, as in Chile, local government is centralized to a degree that reminds one of the French system. The country is divided into administrative departments, each of which is headed by a prefect appointed by the president of the republic. In like manner the departments are divided into provinces headed by subprefects also appointed by the president of the republic. The provinces in turn are divided into districts headed by governors who are appointed by the prefects and are immediately subordinate to the subprefects. The constitution provides that municipalities shall be established in places designated by law, and that their functions, responsibilities, the qualifications of their councilmen, and the manner of electing the same shall be determined by law. The municipal law provides for a municipal council elected by direct popular vote on a ward or district basis and for an *alcalde* or mayor to be appointed by the central authorities. The *alcalde* is the executive head of the city and the agent of the central government as well. In theory the municipality has charge of all matters of local concern, but the police are under national control, and the central officials have the authority and the means to control other local matters also.

City government in Argentina

Bureaucratic central control of municipal government does not seem unnatural to unitary states like Chile and Peru, but in countries having a federal government it seems rather anomalous. Throughout Latin America, however (Brazil excepted), federalism has meant not relaxation of central control

but a transfer of the locus of control from the national to the state or provincial authorities. A fine example of this is found in Argentina. In that country the fourteen individual states or provinces enjoy the right to frame and adopt constitutions for their own government, subject to the terms and conditions of the distributive clauses of the national constitution. Among the powers falling within the domain of state government is the regulation and control of local government. Thus we find that the constitutions and laws of the several states provide in detail for the organization and procedure of municipal government. The usual plan of government includes a popularly elected council varying in size according to the population of the city and an *intendente* or chief executive appointed and controlled by the governor of the state. The council as a rule elects its own president and other officers, but the *intendente* is head of the municipal administration and directs all of the routine processes of government. In Buenos Aires, the capital of the republic, this plan is somewhat modified. There the mayor is appointed by the president of the republic and functions as a connecting link between the national government and that of the municipality. The police and fire departments of Buenos Aires, the sanitary regulations, and certain branches of the educational system are directly administered by the national government.

City government in Mexico

Mexico, like Argentina, has a federal system of government. Local government in Mexico, as in Argentina, is one of the functions of the states. The national constitution, however, restricts the freedom of state government in many matters which might incidentally affect municipal affairs and gives the federal senate express power to intervene in the affairs of the states when conditions arise that are deemed dangerous to the established constitutional order. Municipal government is provided for by the constitutions and laws of the states, the usual system being a municipal council elected by the qualified voters of the city and a mayor subject to state control. The governor of the state or other authorities acting in his name may as a rule disallow municipal acts deemed prejudicial to general interest. The city of Mexico is one of the municipalities lying in the federal district. There the national government is supreme. At the head of the federal district is a superior council composed of a governor, a director of public works, and a president of the board of health, all appointed by the president

of the republic and under the immediate control of the national department of interior. The superior council may annul or revise the action of any one of the constituent municipalities of the district, and may in turn have its own actions annulled or revised by the department of interior.

City government in Brazil

Brazil differs from the other federal republics of Latin America in that its constitution not only bestows generous powers upon the states, but specifically guarantees municipal autonomy and requires the states to assure the municipalities within their borders full autonomy in all that relates to their peculiar local interests. The only limitation on this grant of home rule is that laws originating with municipal powers may be annulled by the states if they are found to be in conflict with the national or state constitutions or with the rights of other municipalities. Through the home rule provision in the national constitution the cities of Brazil gain control of their own organization and personnel. The customary plan of city government in Brazil is a municipal council elected by wards or districts and a chief executive, known as the *prefeito,* also elected by popular vote. It is not uncommon in the larger cities for the police department to be administered by the state government rather than by the municipality. Rio de Janeiro, being the capital of the country, constitutes an exception to the rule of municipal autonomy. Rio de Janeiro has the customary locally elected council, but the *prefeito* is appointed by the president of the republic, and a number of the administrative departments of the city are under direct national control.

Summary

While the foregoing survey may afford some idea of the legal foundation, form, and procedure of municipal government in Latin America, it conveys nothing of the magnificent accomplishments of urban communities in the more progressive countries of the Latin American area. These, to be appreciated, must be seen. Facing difficulties that would have staggered many of their European and North American contemporaries, these splendid municipalities have not only grappled successfully with the problems of health and order, but have carried out programs of civic improvement and embellishment which entitle them to rank among the most beautiful and beneficent social entities the world has ever known.

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Questions and Problems for Discussion

1. Which features of the French municipal system do you find most prominent in Latin America?

2. Can you suggest any reasons why the Latin American peoples should have been strongly influenced by the example of the United States in the formation of their national governments and not at all influenced by the United States in the development of their local institutions?

CHAPTER XI

THE EVOLUTION OF AMERICAN CITY GOVERNMENT

The story of American city government begins with the colonial borough, which was nothing more than a colonial edition of the English borough of the same period. Upwards of twenty borough charters were granted during the colonial period. These charters were granted by the governor of the colony in his capacity of representative of the English crown. They carried the usual corporate rights and privileges, and occasionally certain special powers and prerogatives. The English model was very closely followed in the organization of the borough. The government of the borough was vested in a common council consisting of the mayor, the recorder, the aldermen, and the assistant aldermen or councillors. All these sat together as one body and functioned as a unit. There were divergent practices as to the manner of selecting the different members of the council, but the actual operation of borough government was not much affected by these differences. The mayor was commonly appointed by the governor of the colony, but in some cases was chosen by the council. His position was very similar to that of the English mayor. He was the presiding officer of the council and titular head of the government of the borough, but he had no independent executive or political functions. His only special functions of any great consequence were judicial. The mayor's court was the chief judicial tribunal of the municipality, and the mayor was its presiding member.

The colonial borough

The council

The mayor

The recorder was corporation attorney, and in some places he acted as mayor in the event of the death or disability of the mayor. The aldermen and councillors (sometimes called assistants or assistant aldermen) were usually elected by the qualified voters of the borough, but in three cases they were chosen by coöption. The principal difference between the aldermen and ordinary councilmen was that the former were justices of the peace as well as members of the council, but the latter had no judicial functions.

The recorder

The aldermen and councillors

This simple and organically unified system of municipal government was not disturbed to any great extent by the American Revolution. Certain readjustments were made, but they did not alter the essential character of the system. Distrust of executive authority led to the transferring of the choice of the mayor from the governor to the common council of the municipality, or to the voters themselves. This did not materially change the mayor's functions or modify his relation to the general scheme of municipal procedure. The council continued to be the sole organ of municipal government, and the mayor and recorder continued as integral parts of the council. There were some slight changes in the direction of greater democracy in the election of the council, and the colonial term "borough" was gradually displaced by the more characteristically American term "city."

The effects of the Revolution

But profound changes were destined to occur, and by the end of the first quarter of the nineteenth century the drift of these changes was apparent. The idea of separation of powers, which was one of the fundamental and distinctive features of the Federal Constitution of 1789 and also of the subsequent state constitutions, began to make headway in the field of city government. By 1825 there was a marked tendency to separate the office of mayor from the council, and to give the mayor the veto power and certain independent executive powers. The judicial functions of the mayor were gradually sheared away, and the mayor's court eventually disappeared altogether. There was also an evident tendency to divide the council into two branches, after the fashion of the national and state legislative bodies.

The doctrine of separation of powers begins to influence municipal organization.

From 1825 onward the progress of decentralization was rapid. The mayor was made independent of the council, and was given powers designed to serve as a check upon it. It is a curious fact, however, that the executive powers of the mayor were not built up in correspondence with his increased political importance. The range of his appointing and removing power remained very narrow and restricted, and when such powers were given to the mayor they were generally subject to councilmanic checks. In no sense was the mayor made the directing head of the administrative organization of the city. The real business of administration was at first carried on quite largely through the agency of committees of the council and minor administrative officials responsible to the council just as

The progress of decentralization

had been done in colonial times. The bifurcation of the council and the enormously increased volume of administrative work incident to the growth of cities soon rendered this procedure impracticable. Instead of making the mayor chief executive and placing all the administrative machinery of the city under his direction and supervision, independent or semi-independent offices and agencies, particularly boards and commissions, were created. In course of time American city government lost all semblance of unity, symmetry, or order. The usual scheme of government included a mayor elected by popular vote, a council of two houses also elected by popular vote but representing different constituencies, a number of single-head departments whose chiefs were either elected or in some intricate manner appointed, and finally a staggering array of boards and commissions whose members were likewise either elected or appointed. The power to appoint administrative officials was frequently vested in the mayor and council jointly, but was sometimes bestowed upon state or county officials.

The various boards and commissions — the park board, the board of police commissioners, the board of public works, the waterworks board, and the like — occupied an unusually independent position, because they were commonly appointed for overlapping terms so that no one administration could control the entire board, and were given independent financial and legislative powers. The inevitable result of this wide and irrational dispersion of power and responsibility was a hodge-podge — a system of government so complex and confusing as to furnish a perfect ambush for the spoilsman, the boodler, and every other known species of predatory politician. This amorphous and preposterously disorganized system of government eventuated in a régime of rascality, in unmitigated carnival of knavery and corruption, which prompted even so mild and gentle a critic of democracy as the late James Bryce temporarily to despair of the future of American cities.

Disunified city government

But the era of uplift was in the offing. Heralded by the muckraker, the prosecutor, and the reformer, there came, during the latter years of the nineteenth and the first years of the twentieth centuries, a period of piety and repentance. Civic evangelism was rampant in the land, and city after city hit the sawdust trail and confessed its sins before the world. Notorious political rings were broken up; infamous miscreants of the type of Tweed, Croker, and Ruef were spectacularly kicked

The era of civic evangelism

out; reformers were elected to office; civil service reform was instituted in scores of cities; the bicameral city council gave way to a single-chambered body greatly reduced in size; councils were shorn of all but the most limited powers; boards, commissions, and other independent functionaries were reduced in number and placed under superior authority and control; and, to cap the climax, the formerly feeble office of mayor was exalted to unprecedented heights of prestige and power. Urban democracy was cleaning house, and in the process of renovation was doing a certain amount of remodelling in order to render the house more livable for the forces of honesty and decency.

It could not be expected of course that such a remarkable climb from the slough of political degradation could be accomplished without mishap. The list of backsliding cities is almost as great as the number of those which renounced their sins and set forth on the way of salvation. The zeal of the people could not be maintained at fever pitch, and in many cases the voters manifestly became tired of piety as a substitute for pap and patronage and therefore joyously reverted to the Lesbian delights of machine politics. In general, however, the trend was upward. The public conscience was kept tender and uncalloused by repeated flagellations at the hands of austere apostles of reform, and backsliding was frequently followed by renewed contrition.

The political effects of the Galveston disaster

At this juncture blind fate took a hand in the game and unceremoniously reshuffled the cards. On the eighth of September, 1900, a terrific West Indian hurricane tore across the Gulf of Mexico and buried the city of Galveston, Texas, under a tidal wave of devastating proportions. The calamity was enormous, unprecedented in American history, and that fact together with desperate need for relief and reconstruction riveted the attention of the country upon Galveston. At the time Galveston was operating under the disintegrated mayor-and-council system of government that has been described in the preceding paragraphs, and had experienced the usual ups of reform and downs of reaction. Had it not been for the flood Galveston probably would have continued to muddle along with this scheme of government for many years. But the ramshackle old contraption which had served Galveston as a city government in normal times was entirely unequal to the emergencies created by the disaster, and it promptly collapsed.

Something had to be done. A self-constituted committee of

business men was working on some of the problems of physical rehabilitation, and this committee, under the pressure of popular demand, took up the problem of reorganizing the government of the city. In 1901 this committee sponsored a measure before the Texas legislature proposing that the government of the city of Galveston be temporarily turned over to a commission of five members. The legislature, seeing nothing else to do, granted the request and provided that three of the commissioners should be appointed by the governor and two of them should be elected by the voters of Galveston. Some months later a decision of the state supreme court made it necessary to change the mode of selection and have all five commissioners chosen by the voters of the city.

The advent of the commission plan

Thus was born the so-called commission plan of city government. The idea was not a new one. Similar schemes had been employed as temporary expedients for coping with emergencies in New Orleans between 1870 and 1882, in Memphis between 1879 and 1893, and in Mobile between 1879 and 1887. A commission system of government had been inaugurated in 1874 in the District of Columbia, and was not discontinued; it was in operation at the time of the Galveston innovation, and remains in operation today. The commission plan in Galveston was accepted at first as a sort of temporary receivership and not as a permanent system of government. Everybody expected a reversion to the conventional system of city government as soon as the emergency had passed. But it was destined not to be. The people of the twentieth century were tired of mere revivalism as a means of obtaining better city government and were ready for drastic innovations.

The Galveston experiment succeeded, succeeded perhaps beyond the fondest dreams of its originators. It was not only that the new broom was a more efficient instrument than the old one, but that the state of public opinion was such as to facilitate operation of any system of government that promised relief from the intolerable inefficiency of the old system. The benefits of commission government in Galveston were published abroad, and in a few years other cities in the state of Texas were beseeching the legislature to permit them to adopt the commission plan. Houston was granted a commission charter in 1905, and then in rapid succession came Dallas, El Paso, Fort Worth, and others. It was now the " Texas plan " rather than the " Galveston plan," and the Texas " boosters " gave it

The spread of the commission plan

plenty of advertising. Cities in other states now began to cast envious glances towards Texas and to clamor for a chance to play with the new toy. In 1907 four states (Iowa, Kansas, North Dakota, and South Dakota) enacted general laws allowing cities to adopt commission government. Before the year was out a number of cities had taken advantage of this legislation. The most prominent of these was Des Moines, which put into operation a system of commission government garnished with the initiative, referendum, and recall and advertised as the " Des Moines plan."

The race was on. Reform, dramatized by catastrophe, had captured the public fancy. With the speed of an epidemic the commission government movement swept across the country, and in less than a decade more than 400 cities in all parts of the United States had adopted the new scheme. It was one of the most alluring reforms ever dangled before the eyes of a politically disillusioned people. It promised everything the people could possibly desire — efficiency, economy, democracy, simplicity, responsibility — all the cardinal virtues of good government. But after a few years of experience the ardor of the people for commission government began to abate somewhat. The gap between theory and practice became painfully apparent, especially in the larger cities. The millennium did not arrive on schedule, and the Utopian goal of efficiency and economy remained unachieved. By 1917 the wave had begun to recede; new adoptions practically ceased; a number of cities forsook the commission plan, some reverting to the discarded mayor-and-council plan and others espousing the city manager plan which was now coming to the fore as the " latest and best thing " in city government.

The slowing down of the commission government movement

The city manager plan is really an outgrowth of the commission government movement, and an offshoot of the commission plan. The history of the manager plan goes back to an attempt, in the year 1907, by the little city of Staunton, Virginia, to adopt the commission system. Owing to an insurmountable barrier in the state constitution the attempt failed, but the reform leaders in Staunton refused to be balked. If they could not have the commission plan, they would endeavor to gather the same fruits from another tree. Upon the initiative, so it is said, of Mr. H. C. Braxton, a member of the city council, and Mr. Stephen Timberlake, a Staunton attorney, there was evolved a plan for the creation of the office of city business

The origin of the city manager plan

manager. This plan was embodied in a municipal ordinance which was adopted by the city council on January 13, 1908. The ordinance made no change in the structure of the city's government — it could not — but provided that the responsibility for administering all of the strictly business functions of the city should be delegated to a city business manager, who should be employed by and subject to the city council. The departments of streets, electric lighting, waterworks, parks, and overseer of the poor were placed under the city manager, and he was required also to perform all the administrative work of several of the standing committees of the council. The city manager was further authorized to make all contracts for labor and supplies, and to assist the council in making up the budget of appropriations. The council appointed as first city manager Mr. Charles E. Ashburner, a civil engineer of high professional standing and sound experience. Mr. Ashburner took office at once, and it was largely owing to his insight and ability that the new scheme was successfully launched.

The Staunton innovation was not a radical reform, but simply a novelty resulting from the grafting of a new functionary on to an old system of government. But it *was* a *novelty,* and it had the good fortune to appear at a time when there was tremendous interest in every new departure in city government. Consequently it excited a large amount of comment and received no small amount of advertising. The idea of a municipal business manager, above and apart from the arena of politics, made a strong appeal to persons yearning for a régime of efficiency and economy, and particularly to those whose faith in the commission plan had become somewhat tinged with disillusion and disappointment.

The genesis of the commission-manager idea

It was almost inevitable, therefore, that the manager idea should be linked up with commission government. It would be hard to say who first conceived the idea of modifying the commission plan by the addition of a city manager, but the first definitive proposal of this kind came from the city of Lockport, New York. The history of this Lockport proposal is an interesting story. Dissatisfaction with the loose-jointed mayor-and-council system of government inspired the board of trade of the city of Lockport in 1910 to inaugurate a movement for the adoption of commission government. They proposed to ask the state legislature to grant such a charter to the city. At the same time the New York Short Ballot Organization, under the

patronage and direction of Mr. Richard S. Childs, was engaged in a campaign to induce the legislature to adopt a comprehensive program of short ballot legislation. Then occurred one of those strange coincidences which oftentimes mold the course of subsequent events. Mr. Childs tells the story as follows:

> We had bills for cutting down the state ticket and reorganizing county government. When we came to municipal government, I had Mr. Gilbertson, who afterward became executive secretary of the Short Ballot Organization, draw up a general optional law applicable to second and third class cities, and I instructed him to provide what I then called "an improved commission plan," with unpaid commissioners and a city manager. The idea was a product of my own reflections on the commission plan which at that time was in great vogue, but which I felt to be fundamentally defective.
>
> When the bill was drafted, the New York Short Ballot Organization declined to sponsor it, preferring municipal home rule, and so I had the bill on my hands and looked around for some other way to get it launched. The Lockport Board of Trade presently appeared in our clippings as interested in investigating the commission plan for their city, so I wrote them saying that here was a bill ready made and embodying the latest and best ideas, and invited them to introduce it in the legislature as their own. This they did in the legislative session of 1911, I believe. On that basis the Short Ballot Organization issued publicity material in every way its ingenuity could suggest and made all the noise it could about this new and interesting development in municipal government.[1]

Lockport proposal used for propaganda purposes

Such was the genesis of the commission-manager plan of city government. The Lockport bill failed to pass, but, being the first concrete measure of its kind, it served as a convenient peg upon which to hang an extensive campaign of organized publicity, which served to popularize the commission-manager idea and break the ground for its subsequent success. To quote Mr. Childs again:

> The Short Ballot Organization continued to nurse along the plan with very active publicity work for several years under my direction; in fact, I wrote practically all of the publicity throughout this whole period, including several pamphlets, although my name did not usually appear, as I was anxious that it should not seem to be a one-crank movement. I preserved my obscurity in the work so successfully that some years later, when I read a paper discussing certain aspects of the city manager plan to a convention of city

[1] Quoted from a letter written by Mr. Childs to the author.

managers, there ensued a long discussion, the burden of which was the question as to what right I had to assume to tell city managers anything about this subject. I was quite delighted.[2]

This stream of propaganda soon cut a channel through the shifting sands of public opinion. Influenced by, if not as a direct result of, the publicity campaign in behalf of the Lockport bill, the city of Sumter, South Carolina, adopted the commission-manager system in the latter part of 1912. This was quickly followed by similar steps in the cities of Hickory and Morgantown in North Carolina. These small successes furnished a basis for even more intensive and far-reaching publicity on the part of the promoters of commission-manager government. The commission-manager plan was no longer a theory; it was a tangible fact, and the cities which had adopted it began to tell the world in pronouncements loud and long that they were the possessors of the "latest and best" system of city government. Incidentally it may be mentioned that much of the telling was done at the expense of the Short Ballot Organization and that much of the publicity material, though it appeared to be of local origin, was actually prepared in the headquarters of the Short Ballot Organization.

Sumter, S. C., the first commission-manager city

It is doubtful, however, if the most artful publicity and the most ingenious promotion could have brought about the quick and widespread response which followed if it had not been aided by a really sensational event — the adoption of the commission-manager plan by the city of Dayton, Ohio, in August, 1913. The cities which had adopted commission-manager government prior to that time were not big enough and important enough to command the attention of the country. But Dayton was a city of more than 100,000 inhabitants, and its problems were typical of the problems of the larger cities generally. Moreover, the attention of the country was focussed upon Dayton by the terrible flood of March 23–26, 1913. Nothing better calculated to dramatize the commission-manager movement could have occurred, and it happened just at the right time — just at the time when dissatisfaction with the commission plan was becoming quite general.

Dayton, Ohio, adopts the manager plan

The adoption of commission-manager government in Dayton was not accidental. For many years prior to 1913 Dayton had been afflicted with a disintegrated, check-and-balance system

The reform movement in Dayton

[2] Quoted from a letter written by Mr. Childs to the author.

of city government. Spasmodic movements for reform had been started from time to time because of the inflexible requirements of the state constitution and municipal code. But in 1912 the voters of Ohio approved an amendment to the state constitution permitting municipalities to frame and adopt their own charters, and this opened the door for any city to make comprehensive and drastic changes in its governmental organization. In Dayton the most prominent champion of municipal reform was the late John H. Patterson, head of the National Cash Register Company. Mr. Patterson had been attracted to the commission-manager plan because of its apparent similarity to the system of corporate organization and management with which he was familiar in the business world. The unique eminence of Mr. Patterson in the civic and business life of Dayton placed him in position to launch singlehanded almost any project which might commend itself to him. Immediately after the adoption of the home rule amendment in 1912 Mr. Patterson induced the Dayton chamber of commerce to appoint a committee to consider the question of charter reform, and was himself named chairman of this committee. After some deliberation this committee decided to inaugurate a campaign for a city manager charter, and, under the chairmanship of Mr. Patterson, the chamber of commerce committee was enlarged to serve as a campaign committee. Subsequently the size of the committee was raised to one hundred members in order to make it more representative of the various elements in the political and economic life of the city. This Committee of One Hundred, as it was styled, put up and backed a slate of candidates for the charter commission who were pledged to the city manager plan. Opposing slates were put in the field by the Democratic Party and the Socialist Party.

The Dayton flood helps

At this juncture the city of Dayton was inundated by the raging waters of the Miami River, and in the face of the resulting emergency the existing government of the city stalled and went dead. If the Committee of One Hundred needed a clinching argument for the adoption of commission-manager government, the flood furnished it abundantly. But nothing was left to chance. The Committee was well supplied with funds, and it proceeded to make an organized and exhaustive canvass in behalf of its candidates. The election was held in May, 1913, less than two months after the flood, and the fifteen candidates sponsored by the Committee of One Hundred won easily.

These fifteen, it should be noted, included Mr. John H. Patterson and the four other gentlemen who with him had constituted the original committee of the chamber of commerce. Five weeks after its election the charter commission had a commission-manager charter ready to submit to the voters. This document was placed before the electorate at a special election in the following August and was decisively approved by the voters.

The spread of the manager plan

The Dayton adoption gave a great impetus to the city manager movement. By the end of 1913 eleven cities had joined the procession, and since that time they have trooped to the city manager standard at the rate of twenty to forty a year. At the present time nearly 400 cities in this country claim to have city manager government in some form. Most of these cities have adopted the commission-manager system pure and simple. Under this system there is a small board of unpaid commissioners elected by the voters. The commissioners act as the city council and employ a city manager to manage the administrative affairs of the city under their control. Some of the larger cities, finding the commission too small to be representative of the population of a large city, experimented with various combinations of the ward council with the city manager idea. None of these ventures met with great success, and it looked as if the manager plan were destined to be confined to cities small enough to get along with a commission instead of a representative council. This prospect was completely altered, however, when the city of Cleveland in 1921 adopted a council-manager charter which provided for a council of twenty-five members elected by proportional representation. If Cleveland could make a success of city manager government, other cities of metropolitan proportions could hope to do the same; and without waiting to see whether Cleveland *could* make it succeed, a number of large cities proceeded at once to follow Cleveland's example. Cincinnati, Rochester, Kansas City, and Indianapolis have already taken the plunge, and many others are now teetering on the spring board.

Cleveland adopts the manager plan

The developments outlined in the foregoing survey of American municipal history have not taken place simultaneously in all parts of the country; nor have they occurred with any degree of progressive uniformity within the boundaries of a single state. The colonial type of city government has entirely disappeared; but examples of practically every other type of mu-

nicipal organization that has ever been tried in this country may still be found. Many of these, of course, are nothing but anachronistic survivals, and are obviously on their way to the museum of political curiosities. But there are in vogue at the present time five systems of city government which are numerously represented in almost every part of the country. These are the councilmanic plan, the check-and-balance plan, the strong mayor plan, the commission plan, and the manager plan. Each of these will be treated at some length in the next chapter.

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Questions and Problems for Discussion

1. How many similarities do you note between our colonial system of municipal government and the present-day English system? What do these similarities suggest to you?

2. Do you think the abandonment of our original system of city government was a mistake? Was that system as well suited to American as to English conditions?

3. To what extent do you think the structure of city government contributed to the degradation of city government in this country between the forties and the nineties of the last century?

4. Is it correct to say that the commission plan and the manager plan represent a reversion to the original principles of municipal government in this country?

CHAPTER XII

AMERICAN SYSTEMS OF CITY GOVERNMENT

The councilmanic type of city government is characterized by the preëminence of the council as compared with other organs of government. There is always a mayor elected by popular vote, and perhaps a number of other administrative officials are likewise chosen by direct election; but none of these plays a dominant or decisive rôle in the processes of municipal government. Because of its extensive and unbridled powers, the city council occupies the center of the stage and plays the leading part in the conduct of municipal affairs.

The councilmanic type of city government

1. Features

The powers which enable the council to function as the major-domo of the municipal household are not the same everywhere, but they almost invariably include a largely unrestricted control of the finances of the city. The hand that controls the purse rules the city. When the council possesses the sole or principal voice in fixing salaries and wages, in letting contracts, in making appropriations, in borrowing money, and in other financial matters, it is in a position to have its own way most of the time in the running of the city government.

2. Financial powers of the council

In addition to its financial powers, the council under this system often has extensive authority to establish, alter, or abolish administrative offices or agencies not specifically provided for by charter or by general law. This power enables the council to wield a large influence in the process of administration, for it can create jobs or abolish them and by that means can determine how they shall be conducted. In some of the councilmanic cities the council has considerable appointing power, and it almost invariably has the power to confirm or reject the appointments of the mayor. It is not uncommon, furthermore, for the consent of the council to be required for removals by the mayor. Some of the councilmanic charters even go so far as to give the council power, usually by an extraordinary majority, to remove persons appointed by the mayor despite the mayor's opposition. The mayor sometimes

3. Powers of council over administrative organization

has the veto power and sometimes not, but the mayor's veto does not constitute a serious check upon the council, because the council can override it without much difficulty and generally possesses sufficient power over finances and administrative personnel to cause the mayor to use his veto rather sparingly.

4. Structure and composition of council

Under the councilmanic system the council usually consists of a single chamber whose members are elected by direct popular vote. In the larger councilmanic cities the members of the council are commonly elected by wards, but in the smaller cities the general ticket system is often preferred. The mayor sometimes acts as presiding officer of the council, but it is equally customary for the council to choose its own presiding officer or for the president of the council to be elected by vote of the people.

Declining popularity of councilmanic system

Although the councilmanic system survives in a great many cities, it is on the decline. Its special stronghold is in municipalities of less than 50,000 inhabitants, and particularly in small towns and villages. There are a few large cities, such as Chicago, San Francisco, and Seattle, where the council still enjoys an unusually wide range of authority; but it is scarcely accurate to list these cities in the councilmanic group, because the council in these cities does not actually overtop and dominate the other organs of government.

Weaknesses of councilmanic system

The principal reason for the declining popularity of the councilmanic system is its manifest inadequacy in the face of the tremendously complicated problems which devolve upon municipal government in modern industrial society. As has been pointed out at length in previous chapters, the industrial revolution of the last century and the consequent urbanization of our social system have created a desperate need for efficient and highly skilled administration. Paternalism has become an unavoidable necessity, and it is only through efficient administration that paternalism can be made to succeed. The councilmanic system unfortunately does not lend itself to sound administrative procedure. The council, being essentially a deliberative and political body, can neither administer nor direct administration with any degree of proficiency. Even though the council refrain from using the administrative machinery of the city as a political football — and such self-denial is rare — it is seldom able to direct the administrative operations of the city government with vigor and efficiency.

The administrative system is disjointed, disorganized, and without a commanding head; and the council is too slow, unmanageable, loose in its procedure to be able to direct the administration itself. American city councils might possibly have circumvented this difficulty as English city councils have done, by handing over the business of administration to a staff of paid experts and coördinating their activities through a standing committee system; but councilmanic politicians in the United States, with studied contempt for experts, have preferred to perpetuate the spoils system. However, it is doubtful if even this could have saved the councilmanic system.

The check-and-balance system

The check-and-balance system of city government is much more difficult to describe than the councilmanic system. It is an offshoot of the latter, and is a perfect example of nineteenth century American ideas of governmental organization. Its most striking and characteristic principle is disintegration.

1. Features

There is a city council, which is usually a single-chambered body although the bicameral council still survives in a few places. The members of the council are elected by direct popular vote, and usually by wards. The powers of the council have been whittled down to a small fraction of their former amplitude. There is no accurate rule for measuring the powers of the council under this system except to say that they comprise all powers not taken away from the council. But the emphasis should be placed upon the " taken away," for that is the effect of the check-and-balance system upon the city council — to take away everything that can be conveniently placed elsewhere.

2. Division of power between council and other agencies

City parks are taken away from the council and placed under the management of a board of park commissioners; city waterworks are given over to a board of water commissioners; street improvements are placed in the hands of a board of public works; the police force is placed under the direction of a board of police commissioners; and so the process of taking away goes on until nearly every major function of city government is vested in officials independent of the council. The independent boards and commissions thus created to take over councilmanic functions are not merely administrative agencies; they are usually endowed with extensive legislative and financial powers as well. For example, they very often have power to levy and collect taxes, spend and borrow money, and make by-laws or ordinances without the sanction or approval of the council.

3. Independent boards and offices

The members of these independent boards and commissions are chosen in several different ways. The commonest mode of selection is for the mayor to nominate and the council to confirm. But when such is the practice, it is common to have the members chosen for rotating terms so that there can be no complete renewal of membership at the hands of a single councilmanic-mayoral combination. Occasionally the power of selecting members of these municipal boards and commissions is vested in state or county officials. Popular election of municipal boards and commissions is not as prevalent as it once was, for it has been discovered that the long ballot, which is unavoidable when there is a large number of officials to be elected at one time, results in such bewilderment and confusion on the part of the electorate that intelligent voting is impossible.

In addition to the city council and the imposing array of boards and commissions just described, check-and-balance government involves a lengthy list of elected or appointed executive officials, including such officers as the mayor, the city clerk, the city treasurer, and the city attorney. The mayor often has the veto power, shares the power of appointment, and has some administrative services under his direction. But he is not an official of great power or influence. The city clerk, the city treasurer, the city attorney, and other independent officials are controlled in the performance of their duties by state law and municipal ordinances; but they are not, as a rule, subject to any considerable degree of superior administrative control.

The vogue of check-and-balance government is on the wane

It is apparent, therefore, that check-and-balance government represents the last word in decentralization. Checks and balances and separation of powers are carried about as far as is humanly possible. From 1850 to 1900, speaking broadly, this system of city government was very popular in the United States; it was the mode. Few examples of check-and-balance government remain among the larger cities at the present time. A few isolated examples still survive, like the rococo mansions of the U. S. Grant period, to remind us of the vertiginous political theories of our grandfathers. There are still, however, a good many cities which have what might be called "refined" or "reformed" check-and-balance government. The tide of opinion during the last quarter-century has been running strongly against dispersion and diffusion of political authority; but there are still many cities which have been unwilling to abandon the check-and-balance idea altogether. Unable to re-

sist the movement for centralization, they have compromised by going only part of the way. Some of the independent boards and officials have been lopped off, and others have been retained; the administrative authority of the mayor has been enlarged, but has not been made fully competent; the confused lines of authority as between political and administrative agencies have been simplified, but not completely rectified.

In this modified form the check-and-balance system exists today in a goodly number of cities. It would not be correct to say that it flourishes, but at least it survives. Like the councilmanic system, it is riding an outgoing tide and will eventually pass beyond the horizon. The reasons for the unpopularity of check-and-balance government are not difficult to perceive. It is headless, complicated, unwieldy, unresponsive to popular impulses, and easily susceptible to perversion by corrupt political organizations. So completely does it scatter authority and responsibility that it places upon the people the necessity of watching everything all the time. This the people cannot and will not do. They can keep pretty fair tab upon one official or one body of officials, but to follow the complex affairs of a many-ringed political circus is, for the general electorate, an utterly impossible task. It is not surprising that the worst scandals in American municipal history have occurred under this scheme of government. The corruptionist, the grafter, and the pilfering politician can stalk their game from perfect ambush behind the bewildering complexities of this system.

Weaknesses of check-and-balance government

The strong mayor plan of city government derives its name from the fact that it makes the office of mayor the pivot about which the entire process of city government revolves. The council is usually a small, single-chambered body whose members are elected either by wards or upon a general ticket. The powers of the council include the usual legislative prerogatives and functions, but in the exercise of these powers the council plays second fiddle to the mayor. It is the object of the strong mayor plan to concentrate both political and administrative leadership in the office of mayor. The purpose of the council is to serve as a sort of counterweight to check and restrain the possible vagaries and vices of the mayor.

The strong mayor plan

The theory of the thing is that the initiative should rest with the mayor, and that the council should act in the main as a deliberative, delaying, investigating, and publicizing body. The mayor is conceived as a popularly elected grand vizier, and is

The theory of the strong mayor plan

given powers in keeping with that conception of the office. Subject of course to the civil service laws where the merit system is in vogue, the mayor is given the sole power to appoint and remove the administrative officials and employees of the city from top to bottom. Along with this goes almost absolute authority to control and direct the daily routine of the administrative service. The mayor is the boss, and all other administrative functionaries are his lackeys. The mayor also has large powers in respect to municipal finance. He is generally responsible for preparing and submitting to the council the annual budget of the city; he controls the disbursement of all monies; he has a large influence upon, if he does not completely control, the letting of contracts; he is largely responsible for the administration of the sinking funds of the city, for the handling of investments, and for the custody of monies on deposit. The mayor always has the veto power, and frequently has the power to veto single items of financial measures. In some strong mayor cities the mayor is given the right to introduce measures in the council and have them placed on the calendar of the council for consideration. The mayor is also given the right, and some cities make it his duty, to appear on the floor of the council and answer questions or participate in debate.

The position of the mayor

From the foregoing outline of the salient features of the strong mayor system it is plain that its central principle is executive leadership. It represents a revolt against the decentralization and segmentation of the councilmanic and check-and-balance plans, and proceeds upon the hypothesis that the only way to get good government is to centralize authority and responsibility as completely as possible in one person, that person to be chosen by and directly accountable to the electorate. The people, so the theory runs, do not and cannot possess the information and the discrimination necessary for intelligent voting when they are obliged to choose incumbents for a large number of technical and complicated jobs; but they are entirely capable of picking a municipal Mussolini to run the whole works. The candidate who appeals to the imaginations of the people as symbolizing and standing for the kind of government they want will be elected to the office of mayor. As mayor he is responsible for seeing that the people get what they want, and to that end he is given power commensurate with his responsibility.

The principle of executive leadership

Only a few of the larger cities of the country are at present

operating under the strong mayor plan. The smaller cities, upon abandoning their old systems of government, turn to the commission plan or the manager plan in preference to the strong mayor plan. The defection of Cleveland and Cincinnati to the city manager standard has temporarily slowed down the strong mayor movement which was very active among the larger cities a few years ago. But there are good reasons for doubting the permanence of this setback. Already there are strong indications that Cleveland and possibly other manager cities may revert to the strong mayor plan, and if such a thing should occur there would be a great revival of interest in strong mayor government. As far as one can read the signs of the times at present, the chief contenders for preference among the larger cities of the country during the next two decades will be the strong mayor plan and the city manager plan. Both have striking advantages and conspicuous defects.

The virtues and defects of the strong mayor plan

The virtues of the strong mayor plan are also its vices. The very concentration of political and administrative authority which enables public opinion to escape the pitfalls existing in councilmanic or check-and-balance government leads oftentimes to misadventure and catastrophe because too much depends upon one man. The right man in the office of mayor may be an enormous power for good, but the wrong man may be an equally enormous power for evil. We may pay the people the compliment of supposing that they always intend to make the right man mayor; but the irrefutable logic of facts compels us to admit that they often fail to do so. Under the strong mayor plan the office of mayor calls for a person of exceptional qualities — a person who is politician, statesman, and administrator rolled into one. Mayors are not elected because they are known to possess these qualities, but because they are good vote-getters. The practical significance of this is that nine times in ten the successful candidate is the man who has the best vote-getting machine behind him or who is the most accomplished genius in the art of seducing public opinion. Such men may incidentally possess executive ability and qualities of statesmanship, but that is not always or even ordinarily the case. During the campaign the voters are steamed up and befuddled by such meretricious issues as the perfidies of King George or the dangers of Bolshevism, and the candidate who makes the strongest appeal to their emotions and most artfully capitalizes their prejudices is the one who gets their votes.

The successful candidate may turn out to be a competent executive and a wise leader, but just as often he turns out to be a contemptible blatherskite whose chief concern is to keep his job and ingratiate himself with the political boss who put him in office. But the powers of the office remain the same whether the incumbent is the right man or the wrong man, and in case he is the wrong man his vices and ineptitudes work havoc with the entire government of the city.

Inconsistency characteristic of the strong mayor plan

To sum it up, the strong mayor plan works well when popular election works well; but when popular election misfires, the whole mechanism goes wrong. This explains why the results of strong mayor government are so notoriously uneven and inconsistent. A slight turn of the wheel of political fortune is often sufficient to plunge a city from the heights of good government to the depths of misgovernment, and an equally slight turn in the opposite direction will raise the city again to the heights. There is little consistency or continuity about it; a small handful of votes thrown one way or the other will often tip the scale one way or the other and make all the difference between the best government and the worst. Popular election also has the effect many times of elevating to the office of mayor men who make a botch of the job, not because they are weak, unprincipled, or corrupt, but because they lack the capacity and experience for the management of large affairs. Most elected mayors are not only amateurs in public administration but amateurs in big business of any sort. They are men who have combined politics with law, real estate, insurance, or some other vocation that affords leisure for political activity. The vocation generally degenerates into an avocation, and politics becomes their real vocation. When they arrive in the office of mayor they are neophytes so far as the direction and management of large business enterprises is concerned — and a modern city is a huge business enterprise — and no matter how well-meaning they may be they bungle and botch the job.

The commission plan

The distinctive features of the commission plan of city government may be stated very briefly. A body of commissioners is elected by direct popular vote. The number of commissioners is commonly five, though many of the smaller cities have three and some of the larger cities raise the number to seven. It is customary for the commissioners to be elected at large, and for their terms of office to rotate so that never more than two or three places have to be filled at one election. The term

of office is rarely less than two years, and the four-year term is very common. Sitting and acting as a body, the commission functions in a dual capacity. It is the council of the city and at the same time the chief executive of the city. Acting individually, each commissioner is head of an executive department and is responsible to the commission as a whole for the administration of his department. The common rule is to pay the commissioners an adequate salary and to require them to give their entire time to the work of the city. They are not as a rule elected to specific departments, but, having been elected to the commission, are assigned to departments by vote of the commission. One of the commissioners bears the title of mayor in addition to his commissionership. He is usually the presiding officer of the commission and the ceremonial head of the city government, but in point of power stands on the same level as the other commissioners.

1. Features

There are numerous variations from these standard features, but none of them are sufficiently widespread to detract materially from the accuracy of the outline just given. In some cases the commissioners are all elected to specific departments by popular vote. The mayor-commissioner is the only one elected to a specific portfolio in other commission cities. Sometimes the mayor has the power to assign his colleagues to their respective posts. In a few cities under commission government the mayor does not head one of the administrative departments but acts as a general supervisor and coördinator. In a few cases the mayor is given the veto power and special power to make appointments.

2. Variants

What, then, are the essential principles involved in the commission plan? They may be summarized as follows: (1) the complete centralization of all power and responsibility, both legislative and executive, in a small body known as the commission or council; (2) the election of these commissioners by vote of the entire electorate of the city; (3) the selection of all city officials and employees, with one or two possible exceptions, by the commission; (4) the vesting of complete power of removal in the hands of the commission; (5) the determination of policies, the enactment of legislation, and the supervision of administration by the commission as a body; (6) the direction of departments by individual commissioners. Where these principles are not followed a city cannot be said to have commission government, despite any claims to the contrary.

3. Essential principles

4. Strong points

The arguments which have on different occasions been advanced in favor of the commission plan are too numerous and too varied to be repeated *in toto* in a brief survey such as we are attempting here. Nor are they all worth repeating; many of them are too fantastic and extravagant to deserve serious consideration. The following summary includes practically all the strong points of the case in favor of the commission plan. (1) *Simplicity.* The commission plan eliminates division of responsibility, checks and balances, pulling and hauling, "passing the buck," and all the other devious and complicated aspects of the older systems of government. By concentrating all power and responsibility in a small body of commissioners directly elected by the people, it facilitates intelligent voting, enables the people to follow the operations of city government more easily, and definitely locates the blame or the credit for everything that occurs in connection with the government of the municipality. (2) *Democracy.* The commission plan eliminates wards and ward politics, and thus tends to reduce the chances of minority rule. Each of the commissioners is chosen by the votes of the entire electorate, and for that reason the government of the city, in both its legislative and administrative aspects, must be considered to be representative of all the people all the time. (3) *Difficulty of machine control.* Bosses and machines flourish through adroit manipulation of easily controlled minorities. It is more difficult for a machine to marshal its forces in a general election than in a series of ward elections, and it is exceedingly difficult to consolidate ward minorities so as to control the election of a majority of the commissioners in a general city election. The commission plan, so it is contended, avoids the mistake of overconcentration of authority in one office and likewise the equally fatal error of too great diffusion of authority. The machine has to control at least three out of five or four out of seven commissioners in order to gain the upper hand, and is at the same time deprived of the advantages which, under decentralized government, it derives from the long ballot. (4) *Superior efficiency.* Because the members of the city commission devote their whole time to the service of the city, and because their election does not depend upon the backing of a political machine, business and professional men of high caliber can be enlisted as candidates for the commission. The people naturally will prefer such candidates to second-rate machine politicians, and will elect them

to office if given a chance. Once a commission composed of high-grade men is put into power, there is nothing to obstruct its efforts to administer the government of the city on the highest plane of efficiency and economy. The commission has complete power to determine the policies of the city government, and equally complete power to control the execution of those policies. The same men who formulate the policies are responsible for them and have the power to carry them into effect. Consequently they will not only have a double incentive to work for good government but also a double capacity for effective achievement in that direction.

As has been noted in a previous chapter, the commission plan acquired a tremendous vogue in the period between 1907 and 1917. But by 1917 the tide had turned, and since that time the commission plan has been losing ground. At one time approximately 400 cities were operating under commission government, but the number is much smaller now. Popular interest in commission government has subsided to such a degree that no one any longer takes the trouble to compile statistics about it. Two major reasons may be cited in explanation of this remarkable shift of public opinion. The first is that experience has disclosed many unsuspected weaknesses in the commission plan, and the second is that since 1913 the commission plan has had to compete with the manager plan, which seemed to possess all of the strong points of the commission plan and to be able at the same time to overcome its most conspicuous defects.

5. Shortcomings

The shortcomings of the commission plan have been especially noticeable in the larger cities. In cities whose population ranges from 50,000 downwards the weaknesses of commission government have not been sufficiently serious to cause a sweeping reaction, and many cities of this class will undoubtedly retain the commission plan for years to come. But in the larger cities the popularity of the commission plan will unquestionably continue to decline. The reasons for this may be summarized as follows:

1. A city council of five or seven members is too small to be fairly and satisfactorily representative of the many diverse elements of the population of a big city. These elements feel that they are entitled to representation, and are dissatisfied and disgruntled if they do not get it.

2. Under the commission plan the number of administrative

departments cannot be any greater than the number of commissioners. The administrative organization of a big city generally requires more than five or seven departments, and the consolidation of the city's administrative machinery into so small a number of departments often creates serious problems.

3. It is impossible to increase the size of the commission to meet the demand for a more representative council and a larger number of administrative departments without sacrificing the principle of election at large. Election at large works well only when there is a very short ballot. With a long ballot, such as would be necessitated by the enlargement of the commission, election at large is no better, and may be much worse, than the ward system.

4. The organic unity of power and responsibility, which in theory is an inevitable result of commission government, frequently fails to materialize when the commission plan is applied to large cities. Each commissioner is elected by vote of the entire electorate, and therefore considers himself one of five or seven coördinate and equal heads of government. The department to which he is assigned he comes to regard as his own special domain and preserve. Nominally he is as a department head subordinate to the commission as a whole, but actually the commission interferes with him as little as possible. This is partly because the affairs of a big city are so ramified and involved that it is all one commissioner can do to keep track of his own department, but it is mostly because each commissioner is inclined to resent the interference of the commission in the management of his department and to strike back whenever opportunity offers at the commissioners instigating the action against him. A city commission torn with controversies and recriminations between its own members cannot function effectively, and in the interest of harmony it is customary for the several commissioners to adopt a policy of "live and let live." When such is the case the commission plan actually produces five-headed or seven-headed government instead of single-headed government.

5. It is entirely possible for the commissioners, or a majority of them, if they are so disposed, to play politics among themselves and flim-flam the public to a queen's taste. Certain events of recent occurrence in one of the larger cities under the commission plan afford a striking illustration of the political possibilities of commission government. Three vacancies, con-

stituting a majority of the commission, were to be filled. By an artful campaign in which the forces of civic righteousness were divided and outwitted, the elements favoring an "open town" succeeded in electing all three of their candidates. The three commissioners thus elected, being a majority of the commission, then proceeded to organize the commission and parcel out the departments according to an apparently preconceived understanding. The commissioner of public safety, in evident fulfillment of campaign obligations, introduced a policy of toleration in the administration of the police department. In course of time he was indicted and tried by a federal court for conspiracy to violate the prohibition laws. The jury disagreed and he was released on bail to await a second trial. Meanwhile what was his position in the city government? When the storm broke his friendly colleagues transferred him to another and less controversial department, and there he remained to the end of his term despite the federal indictment hanging over him. A second commissioner, with loud promises of reform, took over the department of public safety and after a few spectacular gestures allowed things to ride along at an easy gait. If he should fail to ride out the storm, another transfer could be made and a third commissioner assigned to the task of placating public opinion without making any fundamental changes.

6. The final and most fundamental fault of the commission plan from the point of view of the large cities is the fact that the process of popular election by means of which the members of the commission are chosen is fraught with mischance. The heterogeneous population of a big city spells opportunity for machine politics, and machine politicians have discovered that their tactics can be adapted to the election of commissioners just about as readily as to the election of ward councilmen and mayors. If it were a certainty that the people would always elect men of high character and unquestioned ability to the city commission, the various shortcomings of the commission plan which have been enumerated above would not be fatal. But the certainty of this result is in inverse ratio to the magnitude of the city's population, and consequently the larger the city the less likely is the commission plan to succeed.

The city manager plan

City manager government is of two principal types — the commission-manager type and the council-manager type. The only significant difference between these two is found in

the size and structure of the representative organ of government. Under the commission-manager system there is a small board of commissioners — rarely more than five — elected at large just as under the commission plan. The council-manager system differs from the foregoing plan only in the size of the representative body, which, instead of being a small commission, is a council of from nine to twenty-five members elected at large, by wards, or by proportional representation. In the discussion which follows both types will be referred to simply as the " manager plan," and, unless it is especially desired to distinguish between the two, the governing body under both systems will be referred to as the " council."

1. Types

The cardinal point of distinction between the manager plan and all other systems of city government is found in the fact that the manager plan concentrates the entire quantum of political and administrative authority and responsibility in the council subject to the condition that the administrative functions of the council shall be discharged through the agency of a city manager chosen by the council and continuously under its control. There is nothing essentially new about this idea except the recency of its application to city government. It has been used in public school administration for upwards of a century, has been widely employed in quasi-public enterprises, and has come to be a very common form of corporate organization in private business.

2. Cardinal features

In the minor details of city manager government there is much diversity. Virtually all the city manager charters retain the office of mayor, but not the traditional American mayor. The principal business of the mayor in city manager government is to preside at meetings of the council and act as ceremonial head of the city government on public occasions. As a rule he is not elected to the office of mayor by popular vote but acquires the title of mayor by virtue of having been elected president of the council. The more common practice is for the council to elect one of its own members to be its president, and that person becomes *ipso facto* the mayor of the city. There are, however, some fifty manager cities in which this process is reversed, the mayor being elected by direct popular vote and becoming thereby the president of the council. Special powers have been assigned to the mayor in only a few cases. In one or two places the mayor with the consent of the council appoints the city manager. A few manager cities give the mayor

3. Diversity as to office of mayor

power to veto measures passed by the council. Some manager charters give the mayor considerable power to appoint and remove city officials. In a few cases the mayor is made head of the police department, and a considerable number of manager charters authorize the mayor to take charge of the police department, and perhaps other departments, in times of emergency. However, the granting of such exceptional prerogatives to the mayor is contrary to the common practice. The ordinary position of the mayor in city manager government is one of nominal preëminence only, and his actual influence depends upon his personal qualities rather than upon his special powers. Except for the fact that he is president of the council, and therefore its most conspicuous member, he enjoys no priority over the other members of the council.

4. Diversity as to office of manager

There is some diversity also as to the office of manager. As a general rule the manager holds office at the pleasure of the council, which means in practice that he continues in office until he chooses to resign or is requested by the council to resign. A few manager charters, however, give the manager a fixed term of office. During this term of office the council can remove him only for cause, and at the expiration of his term the appointment must be renewed or a new one made. The city manager as a rule has unrestricted authority in the appointment and removal of subordinate administrative officials; but in a few cases the charter requires the manager to obtain the consent of the council for removals. It is not uncommon for the charter to place some restrictions upon the council's power to remove the manager. These usually take the form of requiring the council to prefer charges against the manager in writing, to give him notice in advance, and a hearing. Sometimes an extraordinary majority is required to dismiss the manager. A few manager cities have made the manager subject to direct popular recall. In some cases special powers of a political character are bestowed upon the manager.

The city manager plan in theory

The theory underlying city manager government is very simple. The one particular in which the manager plan breaks most abruptly and radically with American political traditions is its complete rejection of the doctrine of separation of powers in favor of complete legislative supremacy. All authority — political, legislative, administrative, or what not — is concentrated in a purely legislative and purely representative body, the city council. Nothing comparable with this has been

known in the United States since the breakdown of the original councilmanic system of government of colonial times.

Legislative priority

This reversion to the principle of legislative priority is doubly interesting at the present time, because it not only reverses a century-old trend in American municipal development but because it also stands squarely contrary to the present trends in state and national government. Every publicist who has commented upon American political institutions during the past century has been obliged to dwell at length upon the decline of legislative bodies and the corresponding growth of executive power and prestige. It is an indubitable fact that for more than a century both political leadership and lawmaking power have been passing from congress to the president, from state legislatures to governors, from city councils to mayors. In our state and national governments this trend is now at full tide. Popular confidence in congress and state legislatures could scarcely sink lower than at present, and there has certainly never been a time when a president or a governor singlehanded could wield as much power and influence as now. But the city manager movement runs directly contrary to all this. The commission plan prepared the way by centering legislative and executive functions in one body, but it was not a purely representative and legislative body. The commissioners are both legislators and executives, and the commission actually functions more as an executive directorate than as a representative assembly. Under the manager plan, however, the council, even though it be called a commission, is a legislative and political body and nothing else. There is no commingling of political and administrative functions. The authority of the council extends to every matter within the charter powers of the city, but its authority over municipal administration must be exercised by the distinctly political expedient of appointing, removing, and giving instructions to the city manager.

The significance of legislative leadership

What is the significance of this return to legislative priority after more than a century of progress in the opposite direction? Have the people of our cities lost faith in the capacity of elected executives, playing the rôle of Moses, to lead us out of the wilderness of corruption, extravagance, and misgovernment into the promised land of purity, economy, and efficiency? Certainly the Moses doctrine is a bit hard to swallow after beholding the performances of some of our present-day mayors and city commissioners. In the hard school of experience we are

gradually learning that political leadership and executive stewardship cannot be mixed without disastrous results to both. If the office of mayor is exalted to the pivotal position in the government of the city and the council is reduced to a secondary rôle, serious difficulties arise. The council is elected to represent and speak for the people, but does not have the power to make itself effective. The mayor is also elected to represent and speak for the people, but he is also the chief executive of the city. If he takes his executive responsibilities seriously, he will almost certainly become so immersed in the routine details of administration that he will lose sight of his political responsibilities, as was the case with the late Mayor Mitchel of New York. On the contrary, if the mayor is more interested in politics than in administration, he will in all probability devote himself so completely to the building and mending of political fences that the business operations of the city will degenerate into a perfect bedlam. In an ancient book it is written that no man can serve two masters, and likewise it might be recorded that no man or group of men can satisfy the demands of both politics and administration. In the commission governed cities the situation is even worse, for there we have three, five, or seven persons simultaneously essaying the rôle of Moses and combining in their persons the political and administrative headship of the city. We do not send a ship to sea with three or five captains in equal authority, nor an army into battle with three or five generals in equal command. We do not require the captain of a ship to divide his time and thought between the sailing of the ship and the policies of the company which owns it, nor do we expect a general to divide his mind between the fighting of battles and the solution of diplomatic problems. How, then, can we justify the commingling of politics and administration in municipal government?

The manager plan strives to avoid this error by centralizing all authority in a distinctly and purely political and representative body and then requiring this body to employ a non-political chief executive — a business manager, if you will — to carry out its decisions. The gains which are supposed to result from this device may be summarized as follows: (1) The entire responsibility for governing the city and administering its affairs is placed upon a body consisting of persons selected primarily to serve as popular representatives and nothing else. (2) The voters have the simplest possible task

The manager plan attempts to separate politics and administration.

in electing members of the council, because they do not have to pass upon the executive qualifications of the candidates. They merely have to vote for the candidate who seems to stand for the policies which they prefer in city government. (3) The council will choose a city manager with special qualifications for directing the administrative service of the city, because the political security of the council will depend as much upon the work of the city manager as upon the popularity of its legislative policies. (4) The city manager, not having to campaign for office, and having no political duties or responsibilities, will devote himself exclusively to administration and will try to make a record which will so impress the people of the city that the council will have to keep him in office. Presumably, he will have no other way to win popular favor.

The controlled executive

The second point of generic difference between the manager plan and other types of municipal government is what has sometimes been styled the "controlled executive." The prevalent type of executive organization in the United States is what is known in political parlance as the "independent executive." Our traditional ideas of government call for a distinct separation of executive and legislative organs of government, each to be independent of the other in its own sphere of action. Consequently our president, governors, and mayors are elected by popular vote, and are not subject to legislative control except through the general process of lawmaking. In other countries the idea of separation of powers is not so popular. The municipal executive as well as the national executive in most European countries is completely under the heel of the legislative organ of government. In the national governments of England, France, Germany, and other countries having parliamentary government the executive is organized as a part of the legislature, functions through the legislature, is responsible for political leadership in the legislature, and may be turned out of office by an adverse majority in the legislature. This is what is known as the "responsible executive." In municipal government in these countries the executive is chosen by and controlled by the legislative body, but is not generally an integral part of the legislature and is responsible to the legislature for the management of the administrative service, but not for taking the initiative in the formulation and adoption of policies. This system of executive organization has come to be known as the "controlled executive."

The controlled executive has been one of the most extravagantly admired features of city manager government. The city manager is head of the executive establishment of the city. He is not elected by popular vote, but is appointed by the council to be its agent in directing and managing the administrative operations of the city government. He does not have a definite term of office, may be removed by the council at any time, and is therefore subject to continuous control. At the same time it is not his duty to formulate policies and push legislation through the council. He may advise and recommend, but if his suggestions are not adopted he is not called upon to resign. He proceeds to carry out the policies which have been adopted just as sincerely and efficiently as if they were his own. In brief he is regarded as a technician employed to carry out whatever policies may be adopted, regardless of his own opinion as to their soundness and wisdom. He is at liberty to resign at any time if he feels that the actions of the council place him in an intolerable situation, just as the president of a bank may resign if the directors force him to adopt what he deems to be unsound banking practice. But he is not obliged to resign any more than a bank president is obliged to resign simply because his own proposals have not been followed. Champions of city manager government believe that the controlled executive principle will give the following results: (1) That the city manager and his subordinates will be selected on the basis of technical proficiency, and that this will result in administration by experts. (2) That the expert administrative establishment will be under the continuous and effective control of an elected council having power to control but not to meddle. (3) That the administrative branch of the government will be exceptionally sensitive to public opinion because of the fact that it may be turned out of office at any moment if popular sentiment demands it, and that the council will be obliged to sustain and support the city manager and his subordinates so long as they are rendering satisfactory service because it would not dare to dismiss a city manager who was popular with the people.

Advantages claimed for the controlled executive principle

Undoubtedly the most controversial feature of city manager government is the abandonment of popular election in choosing the chief executive of the city. Defenders of the faith have arisen in all parts of the land to denounce the city manager plan as undemocratic and un-American. Perhaps it is undemo-

The appointed chief executive

cratic, but it is no more un-American than the public school system which has followed the same method of choosing the chief executive for more than a century. If it is wise and proper to have city school superintendents appointed by boards of education instead of being elected by popular vote, it may be equally desirable to have city managers appointed by city councils instead of having them chosen by direct election. Like school superintendents, city managers are supposed to be selected on the basis of technical proficiency and not on the basis of political popularity.

Does the manager plan obviate executive leadership?

Many thoughtful students of American institutions, however, object to the abolition of the elected chief executive not on the ground that it is undemocratic but on the ground that it is not consonant with the peculiar characteristics of American democracy. Their argument is that a heterogeneous people — and the urban masses in the United States are the most mixed and composite groups of people on the face of the earth — require a dynamic and integrating leadership similar to that of the chieftain of a primitive war band. Group leadership, according to these critics, does not supply that indispensable force, and consequently they feel that it is a mistake to exchange the leadership of an elected mayor for that of a council or commission. The proponents of city manager government answer this argument by saying that the ultimate success or failure of democracy depends upon its utilization of the representative principle. Direct democracy, they contend, is impossible in a complex industrial society. Representative government is the only kind of government that has a chance to succeed in the long run, and they do not consider one-man government truly representative. Vigorous and self-reliant democracy, so they contend, can be achieved only through collective leadership in legislative bodies. The manager plan not only provides an opportunity for such leadership, but actually stimulates and fosters it. Which of these positions is correct only the test of time can tell.

It is doubtful whether the theoretical bases of city manager government have been clearly grasped by the general public; but there is certainly an intuitive and widespread feeling that the city manager plan is inherently different from all other schemes of city government, and capable for that reason of producing better government than can be expected under any other system. This undoubtedly accounts for the amazing

progress of the city manager movement. According to the computations of the international City Managers' Association, there were on March 10, 1928, 361 cities operating under the manager plan in the United States, and 17 in the British Dominions. This means that 350 cities adopted the manager plan in the decade between 1918 and 1928, for in 1918 the total number of manager cities was only 26.

The number of manager cities in 1928

Of the American cities under city manager government only 10 rank above the 100,000 mark in population. These are Miami, Fla., Indianapolis, Ind., Grand Rapids, Mich., Kansas City, Mo., Rochester, N. Y., Cincinnati, O., Cleveland, O., Dayton, O., Fort Worth, Tex., and Norfolk, Va. Only 22 of the manager cities, including the 10 just named, rank above 50,000 in population. It is evident, therefore, that the chief conquests of city manager government have occurred in small cities and small towns. The banner year for city manager adoptions was 1921 with 49; since that time the movement seems to have slowed down. Whether this means a permanent turning of the tide or simply a temporary let-up remains to be seen.

The size of manager cities

No attempt should be made to formulate conclusions as to advantages and disadvantages, successes or failures, of the manager plan without keeping in mind the chasm between small-town and big-town conditions. Argument by analogy is a frail device at best; but when attempts are made to deduce from the experience of small municipalities the probable results of city manager government in huge metropolitan centers, it should be apparent without argument that comparisons are dangerous and misleading. The political processes of those immense urban jungles which have sprung up during the last century cannot be accurately compared with the relatively simple political life of a country town or a modest municipality of 50,000 inhabitants. In the small city there is a simplicity of social life and organization, a communal cohesiveness, a mobility of public opinion, and an immediacy of contact between the government and the people which do not exist in large metropolitan centers. In a small city fully half or more of the voting population know all of the more prominent city officials by sight at least. Most of the voters have contacts and connections which enable them to learn something about the private as well as the public careers of their leading officials, and which tend toward the development of a definite feeling of com-

Differences between operation of manager plan in large and small cities

munity consciousness. Such is not the case in a vast, sprawling metropolitan area which numbers its inhabitants by hundreds of thousands and millions. Only a tiny fraction of the voting public ever sees or knows anything about the major officials of the city except as mythical personages whose names and faces are constantly played up in the newspapers and tabloids. The average urbanite's orbit of life does not take him into circles which give him either direct or indirect contact with public mysteries, and his political horizon is very likely to be bounded by the block in which he lives or the racial or religious group to which he belongs.

Factors in the success of city manager government

The success of city manager government admittedly depends upon alert, dynamic, informed, and aggressive public opinion. It takes the right kind of council to get the right kind of manager, and it takes the right kind of public opinion to get the right kind of council. When these conditions are satisfied, the manager plan presents a combination of all-powerful representative authority aided and guided by unhampered but readily controlled administrative science that is capable of producing marvelous results. Conditions are decidedly more conducive in the smaller municipalities to the development of intelligent, vigorous, and united public opinion than in the big cities. It is not strange, therefore, to find that the city manager plan has an almost unchallenged record of achievement in the lesser cities of the country. Making all possible allowances for exaggeration and all possible deductions on account of exuberant optimism, one must nevertheless concede that the reports of achievement in the minor municipalities which have adopted city manager government constitute an almost unparalleled record of civic accomplishment.

The record of the manager plan in the larger cities not convincing

But when we turn to the larger cities, the record is not quite so convincing; and if we confine our attention to manager cities having upwards of a quarter of a million inhabitants, we find much reason for reserving judgment. There are only five manager cities of truly metropolitan proportions. These are Indianapolis (314,194), Kansas City (324,410), Rochester (295,750), Cincinnati (401,247), and Cleveland (769,841). Not one of these cities, with the possible exception of Cleveland, has been operating under the city manager plan long enough to warrant definitive conclusions. The manager plan was adopted in Indianapolis in 1927 but does not take effect until November, 1929; in Rochester the manager charter went

into operation in January, 1928. These two cities must be ruled out of consideration, therefore, for some time to come.

Kansas City's manager experiment

The city manager charter of Kansas City took effect in April, 1926. Her experience with the new form of government has been too brief for anything more than tentative conclusions, but the results thus far have been none too promising. Professor Leonard D. White, after a careful survey of the situation on the ground, sums up the achievements of city manager government in Kansas City in very questioning terms:

> Kansas City is not enjoying as good government as the friends of the council-manager charter anticipated, because the city machinery has been captured by an old-line political machine and is being used for spoils politics of the old order. Kansas City now represents the type of government which may be expected under the council-manager plan when spoils politicians are put in power by popular vote. It is difficult to say that any fundamental improvement has been made or to expect that it will be made until the voters of Kansas City elect a different type of councilman.[1]

Manager government in Cincinnati

Cincinnati's city manager charter was put into operation in January, 1926. The adoption of the new charter was the culmination of a civic uprising whose object was to break the grip of a vicious political machine which had played fast and loose with the government of the city for many years. It was a very simple instrument, providing for a council of nine members elected at large by the Hare system of proportional representation, and for a city manager to be chosen by this body. The reformers were not only successful in putting over the charter, but also succeeded in capturing a majority of the seats in the new council. The new government then proceeded to wipe the slate clean. It appointed as city manager an exceptionally well qualified army officer, not a resident of Cincinnati, and placed the administrative service of the city upon a strictly merit basis. Under this régime Cincinnati has enjoyed splendid government, better perhaps than she has ever known in the past. The only disturbing fear in the minds of the friends of the new system is the possible "come-back" of the old machine. It has displayed remarkable vitality in defeat, is well organized and capably led, and no great *volte-face* of the usually unstable electorate would be needed to sweep it back into power. What might then happen to the government of Cincinnati is not pleasant to contemplate.

[1] White, *The City Manager,* pp. 57–58.

The case of Cleveland is the most difficult of all to discuss in the limited range of a few paragraphs. The city manager charter of Cleveland, although adopted in 1921, did not take effect until the first day of January, 1924. It was regarded at the time as a model charter, a product of the skilled and cunning hand of the country's most eminent charter draftsman, Professor A. R. Hatton. It provided for a council of 25 members to be elected from four great districts by means of the Hare system of proportional representation. The council was charged with the responsibility of appointing and controlling the city manager, and with the sole responsibility for the determination of municipal policies. Elaborate and detailed safeguards were introduced in the charter for the purpose of combating the spoils system and discouraging machine politics.

The manager plan in Cleveland

The writer of these lines was a resident of Cleveland during the campaign for the adoption of city manager government and during the first eighteen months of the new government's career. It was his good fortune to be in fairly close contact with both the pro-manager and the anti-manager forces, and to see a good deal of both sides of the controversy from a ringside seat. Being deeply interested in the movement, he undertook to accumulate every particle of information which would throw light upon the many conflicting and apparently inexplicable occurrences connected with the new government. After moving away from Cleveland he made two visits to the city, one in 1926 and one in 1928, and spent several days renewing his contacts with local politics. It might be supposed that one would emerge from such a background of close personal observation with definite and categorical convictions as to the success or failure of city manager government in Cleveland, but such is not the case. The writer does not feel that the facts warrant any such conviction.

It seems probable at the time of this writing that Cleveland sooner or later will return to the strong mayor system which prevailed before the adoption of the manager charter. Already there have been three attempts to bring about such a reversion, the last one, in April, 1928, failing by a portentously narrow margin and then only because of a factional rupture in the Republican organization of the city. If Cleveland should abandon the city manager plan, what would it mean? That city manager government has been a failure in Cleveland? Not necessarily. To the writer it would mean this: that structural

The dubious future of the manager plan in Cleveland

reform in city government in order to achieve lasting success must rest upon a somewhat more substantial basis than sentimentality, idealism, vehement denunciation of the wickedness of the bosses. The city manager plan has had a good chance to succeed in Cleveland, and it cannot be said that it has given Cleveland bad government or any worse government than it had before. Whether it might have succeeded to a greater degree had it not been for certain unfortunate circumstances involving the personal idiosyncrasies of various individuals prominently identified with the city manager movement both before and after the inauguration of the new government, is a question that might be debated indefinitely without reaching a profitable conclusion.

The crux of the situation in Cleveland is the city council, just as it is and always will be in every city under the manager plan. The Cleveland charter provides for a system of election that is as nearly ideal from the point of view of political reform as any large city is ever likely to have. The ward system is abolished. Councilmen are elected at large from four great districts which conform as closely as possible to the natural geographic, social, and economic divisions of the city. Instead of being elected by the general ticket plan, the members of the council are chosen by means of the Hare system of proportional representation, which favors the independent candidate and the independent voter at every turn of the game. Yet under this system, made to order for the forces of reform and good government, the machine politicians captured a decisive majority of the seats in the first council elected under the new government and have strengthened that majority in the two subsequent elections. The reformers, independent apostles of civic uplift as they were, had as good a chance to get a majority of the seats as the politicians had; but their chief weapon was talk, while the politicians fought with organization and with money.

It all depends upon the council.

The political bosses in Cleveland may have no better ethics than their prototypes in other cities, but they know the value of respectability. When it came to selecting a city manager, the council, under boss dictation, appointed a man so prominent in the life of the city and so impeccably " right " in every respect as to disarm all opposition. Lawyer, railway builder, promoter, club man, orator, politician — he has been everything that Cleveland could possibly expect of a mayor. City

The boss-controlled council

manager government in Cleveland has become largely identified with the personality of the city manager. The manager undoubtedly has "played the game" with the bosses and the politicians, but how much or how little is a matter difficult to judge. One hears strange stories mentioning jobs, contracts, insurance policies, bond issues, and the like; but none of these can be confirmed.

Contradictory opinions as to the success or failure of the manager plan in Cleveland

What sort of government has Cleveland enjoyed under this régime? The answer depends very largely upon who tells the story. Some residents of Cleveland will tell you that the city has been looted as never before, but very much more cleverly; others believe that, despite the inferior character of the council, nothing worse than minor peculations have occurred; still others think that on the whole the city has had as good government under the manager plan as under any previous plan, or better. The great mass of Clevelanders, however, if one may judge by the frequent and sudden shifting of their votes from one side of the question to the other, have no fixed and clear conviction on the subject. They voted the city manager plan in on impulse, and they will probably vote it out in the same way.

Criticisms of Citizens' League of Cleveland

The Citizens' League of Cleveland, a civic watch and ward society which has always been a staunch defender of the manager charter, took occasion, after the narrow escape of the manager system at the charter election of April 24, 1928, to advise the council and the manager as to the course they should pursue in order to avert such a disaster as the abolition of city manager government. The points mentioned by this strong supporter of city manager government are most instructive indeed. The council was advised: (1) to reorganize for effective legislative work, (2) to cease meddling in administration, (3) to develop a critical, fearless, and aggressive minority, (4) to get busy on large unfinished tasks, and (5) to find new leadership. The city manager was advised: (1) to recognize the fundamentals of the new form of government, (2) to keep in closer touch with the council, (3) to be first and last an administrator, (4) to accept more readily the advice and services of disinterested groups of citizens and less readily the demands of partisan leaders and councilmen, and (5) to keep the public properly informed.[2]

Assuming that the council and the manager needed these

[2] *Greater Cleveland,* May 3, 1928.

admonitions, it would seem that city manager government in Cleveland has encountered serious difficulties that not even the best charter drawn by the most expert draftsman in America could avert. The main trouble, of course, lies in the party system. The party system in a big city is a spider web that has enmeshed and nullified many a reform movement. Whether the city manager movement will surmount this obstacle remains yet to be demonstrated.

Selected References

W. Anderson, *American City Government,* Chap. XIII.
A. C. Hanford, *Problems in Municipal Government,* Chaps. V, VI, VII.
C. C. Maxey, *Readings in Municipal Government,* Chap. III.
W. B. Munro, *The Government of American Cities* (4th ed.), Chaps. XV, XVI, XVII.
T. H. Reed, *Municipal Government in the United States,* Chaps. X, XI, XII, XIII.
J. Wright, *Selected Readings in Municipal Problems,* Chaps. XX, XXI.

Questions and Problems for Discussion

1. Which form of government prevails in your own city? Do you regard it as the best form of government for your city?

2. Resolved, that the councilmanic system is better suited to the needs of small towns and villages than any other system of municipal government. Argue one side or the other of the foregoing question.

3. A city of 35,000 inhabitants governed under the commission plan, with a mayor and four commissioners elected at large at annual salaries of $4,000 each, is contemplating a change to the manager plan, with a council of seven elected by wards and compensated on a per diem basis and a city manager at a salary of $6,000 a year. As a citizen of this community would you favor or oppose such a change? Why?

4. Would the manager plan be as successful in New York City as in a city of 50,000 inhabitants? List all of the factors which in your opinion might make a difference between the two cases.

5. Would it be prudent for a city of upwards of a half-million inhabitants, having a strong mayor plan with a council of nine members elected at large, to abandon this plan and adopt the manager plan with a council of twenty-five members elected by wards or districts? Would the use of proportional representation in the election of the council make any difference?

CHAPTER XIII

FORM AND FUNCTION: A RECAPITULATION

Importance of adapting form to function

It is an ancient axiom of political science that the major problem in devising governmental machinery is the adaptation of form to function. In nature we observe that the organisms which triumph in the struggle for existence are those in which structure is most perfectly adapted to the work to be done; in mechanics we know that the most successful machine is the one that is soundly designed with reference to the work it must do; and similarly in government we find that the best system of government in the long run is the one which is most successfully accommodated to the particular tasks it is called upon to perform. Naturally this means that it is unwise to generalize very dogmatically about systems of government; that there is no such thing as a perfect system of government; and that the intelligent approach to the study of political mechanisms is from the functional side.

The basic functions of city government

The application of this principle to municipal government calls for a brief reconsideration of the functions of city government. The city, as we know it, is not a sovereign or even a semi-sovereign political entity; on the contrary it is distinctly a subordinate unit of government, and exists for two main purposes: (1) to serve as an agency of the central government, and (2) to serve as a convenient instrumentality for the management of purely local affairs. The central government decides what are and what are not local affairs, and in general practice the line of cleavage is drawn in such a way that the sphere of local affairs includes only those functions which the central authorities conceive to be of local character. The tendency of the central authorities is to confine municipal government to the narrowly restricted business of providing and carrying on the administrative services necessary to execute state or general law within the city, and to supply the peculiar needs of the inhabitants of the municipality for local utilities. The decision of broad questions of policy is reserved so far as possible to the central government, and this is invariably the case with policies of more than local effect.

The work of city government thus comes to be primarily administrative, and the political aspects of city government, when not predetermined by action of the central authorities, have to do mainly with the planning, direction, and control of administrative services for local purposes. Such being the case, the obvious criterion of excellence in passing judgment upon the machinery of city government is its adaptation to the uses of centrally controlled local administration. The best way, perhaps, to apply this criterion is to place the principal organs of city government under the microscope, seeing what each is required to do and what sort of organization is best suited to the doing of that particular kind of work.

The work of city government is primarily administrative.

Let us begin with the city council. This organ of government in some form is found everywhere. It is said to be the representative, political, policy-determining, supervising and controlling organ of government. Its business is to make minor local laws in conformity with and supplementing the general laws, and to enact local legislation dealing with matters not covered by general laws. But lawmaking is not its chief function; its primary job is to represent and act in behalf of the people of the city in providing, sustaining, supervising, and directing the necessary administrative services. These services are necessitated by the fact that the city is a municipal corporation and is therefore obligated to execute state law within its boundaries as well as to provide for the special needs of the people of the city in the way of community services and conveniences. It is clear, then, that the organization of the city council should satisfy two requirements: (1) It should represent the people of the city as faithfully as possible. (2) It should have effective control over the process of administration. These requirements appear to be simple, but they are not easily met.

The city council considered from a functional standpoint

How can a representative council be secured? In small cities the problem is not particularly difficult. The interests to be represented are neither numerous nor diverse, and hence it is likely that any simple scheme of organization, coupled with a direct and well-safeguarded system of election, will give adequate representation. But in large cities the interests desiring representation are so many and of such heterogeneous character that fair and adequate representation is not easy to secure. First, there is the question of the size of the council. A small council in a large city has too few members to afford repre-

How to secure a representative council

sentation to all of the important and articulate groups which make up the municipal electorate. Yet if the council be unduly large it may give representation to minor and inconsequential groups whose chief concern in city government is "pork" or patronage.

What should be the size of the council?

In respect to the size of the city council there is a sharp and instructive contrast between European and American practice. Europe, as has been noted in previous chapters, clings to the large city council numbering from twenty to more than one hundred, but American cities have so reduced the size of the council in recent years that twenty is now regarded as abnormally large. Altogether there are not more than a dozen cities in the United States having councils of more than twenty members, and the average contains from three to fifteen members — just about the size of a normal councilmanic committee in Europe. American cities have abandoned the large council because of the enormous scandals arising in connection with such bodies in this country, and also because they have proved to be unwieldy and cumbersome instruments for the oversight and control of administrative processes. European experience with the large city council has not run parallel to ours. European city councils have not fallen prey to political corruption because, in the first place, they have eschewed the spoils system, and because, in the second place, they have been subjected to most exacting central administrative control in managing the police, the public utilities, and in certain other functions involving large possibilities of corruption. Nor have European city councils experienced much difficulty in achieving effective councilmanic control over the processes of administration. This result may be ascribed to four facts: (1) European cities have never experimented with separation of powers and checks and balances. (2) European cities have generally developed special machinery within the council, such as standing committees, adjoints, or joint commissions, for keeping in touch with administration. (3) European city councils have not introduced the spoils system, but have relied in the main upon a relatively permanent administrative corps made up of skilled experts. (4) Central administrative control and supervision goes so far in European countries that city councils have been relieved of much of the responsibility for municipal administration.

American and European practices contrasted

The second major problem in dealing with the structure of

the city council is the method by which the members of the council are elected. The simplest method is to have all of the members of the council elected at large on a general ticket. This method is favored where the council is small enough to permit the voters to acquire some knowledge of all the candidates. Election at large is universal under the commission plan in the United States, and is likewise common under city manager government. It is also found in cities having other types of city government when the council is small enough to permit. When not more than two or three councilmen are to be elected at one time, this system works fairly well. The best feature of the general ticket system is that it obliges each candidate to appeal to the entire electorate and thus tends to bring out men of greater prominence and ability and to impress upon the candidates a broader sense of responsibility. Its chief weakness is the danger, indeed the probability, of so dividing the electorate, by reason of the plurality of candidacies, that a minority of the electorate will be able to choose a majority of the councilmen. This probability naturally increases with the number of places to be filled at a given election. For this reason the system of election at large works very badly when used in connection with the large city council. The voter is confronted with such a staggering array of candidates and has so many choices to make that he votes either recklessly and blindly or only for one or two of the candidates in whom he happens to be particularly interested. If he votes blindly, the composition of the council is determined by sheer chance or by the insidious manipulations of political machines; and if he votes only for one or two candidates about whom he knows something, he has used only part of his voting power and has allowed the other places in the council to go by default to candidates for whom he expressed no preference. In either case the council is almost sure to be a misrepresentative and minority-ridden body.

How should the members of the council be elected?

The general ticket system

To escape these calamitous consequences cities with large councils have resorted to the ward or district system of election. This system in some form is practically universal in the larger cities of Europe, and is very common in the United States. In this country the single-member district has been preferred, but in Europe the plural-member district is somewhat more common. Where the plural-member district is used, it is necessary either to elect all the members for a ward or dis-

The ward system

trict on a general ticket at one time or to rotate the terms of the members from each ward so that there will be only one vacancy at a time. Both plans are extensively employed. When all of the members come up for election or reëlection at the same time, the council is likely to be somewhat more immediately responsive to current changes in public opinion than when the terms overlap so that only a fraction of the membership is renewed at each election. On the other hand, when the councilmanic terms rotate so that the council is a continuous body, it is much more likely to manifest that tendency toward stability, conservatism, solidity, and non-partisanship which is highly valued in municipal government.

The ward system condemned in the United States.

The ward system of election has been unmercifully reprobated by municipal reformers in the United States. It has been denounced as the cornerstone of bossism and the chief cause of the spoils system. The ward is a tiny geographical subdivision of the city whose inhabitants ordinarily have few common interests except that they live in the same area and elect a member of the city council. A small minority of the people of the ward may be actively interested in obtaining perquisites of one kind or another from or through the city government, but the great majority care little about the ward as such and are indifferent as to its representation in the council. Therefore it is claimed that it is easy for a political machine to build up a strong and permanent organization in the ward, for all it has to do is to enlist the support of the mercenary voters and their families and friends. The non-machine voters are too apathetic to vote or they scatter their votes so widely that they are ineffective, while the machine voters stick together and carry the ward. Glued together by a common interest in the spoils of political warfare, the adherents of the machine, though almost always a minority, present a solid front and thus insure the election of their candidate nine times out of ten. For this reason the ward system has sunk so low in popular esteem in the United States that it now has few defenders.

The ward system works well in Europe.

In Europe, on the contrary, the ward system is still popular, and has displayed few, if any, of the vices which have been incidental to its operation in the United States. Is the explanation of this difference to be found in the greater purity and idealism of municipal politics in Europe or in basic dissimilarities between the processes of government in European and American cities? The latter is much the more probable and rational.

European cities are subject to continuous and rigid surveillance by administrative agents of the central government, but central control in the United States generally takes the form of statutory enactments which are enforceable only by judicial processes. This means that central control in the United States is spasmodic and intermittent, and can be made effective only when someone, either a prosecuting attorney or a private citizen, is sufficiently interested to inaugurate and carry through a lawsuit. As a consequence, American city councils have a great deal more leeway for political pettifogging than European city councils. Furthermore, European cities have been greatly influenced by a tradition that does not exist in the United States. The European municipality is in a sense a lineal descendant of the mediaeval trade guild, and consequently there is still a strong feeling that a municipality is a strictly business institution. This is enhanced by the fact that the population is homogeneous and fettered by a consciousness of the social inferiority of the great mass of people. The members of the city council generally come from the upper classes, as do practically all public officials, and they naturally are sensitive to the pressure exerted by the central administrative authorities and are prone to place the business of administration in the hands of professional civil servants who are capable of conducting the affairs of the municipality in conformity with the standards set by the central authorities. It makes little difference, therefore, whether the members of European city councils are elected at large or by wards; the council operates under a system of central supervision and subject to social and political traditions which take it along a pathway quite different from that pursued by the average American city council no matter how it may be elected.

Proportional representation

In recent years proportional representation has been introduced as a superior mode of electing city councils.[1] The so-

[1] There are many different schemes of proportional representation, but a common thread of principle runs through them all. It is that the distribution of representation should follow primarily the divisions of opinion among the voters rather than territorial or other divisions. To accomplish the division of representation according to opinion many ingenious devices are employed.

The Hare system of proportional representation, which is the plan in vogue in Cleveland and Cincinnati, relies upon the single transferable vote. Regardless of the number of places to be filled at the election, each voter's ballot is counted for one candidate only. The voter marks his

called "list" system of proportional representation is now widely used in the cities of Germany, Belgium, Austria, and other countries of continental Europe, while the Hare system has been introduced in Cleveland, Cincinnati, and several

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ballot preferentially, using the figure 1 for his first choice, 2 for his second choice, and so on until he has indicated as many preferences as he desires to express. On the first count each voter's ballot is credited to the candidate marked as first choice on that ballot. But the number of votes required to elect is not a majority or a plurality, as in other systems, but an electoral quota which is deemed to be a fair and sound division of the total number of votes according to the number of places to be filled. To arrive at this quota the total number of votes is divided by the number of places to be filled plus one, and the whole number next above the quotient resulting from this division is taken as the quota. This quota actually represents the lowest number of votes a candidate could receive and still not have less than the proportion requisite to fill one place. Thus if there were three places to be filled it would not be fair to require a candidate to poll more than one-third of the votes in order to be elected, nor would it be fair to allow him to be elected by as few as one-fourth of the votes, for that would be the maximum requirement in case there were four places to be filled. By taking the smallest whole number between a fourth and a third we obtain a quota which is the lowest number of votes a candidate can receive without falling to a fourth — the number which would be sufficient to fill one of four but not one of three places.

All candidates who reach the quota on first-choice votes are declared elected on the first count. Votes received by a candidate in excess of the quota are transferred to other candidates according to the preferences indicated on the ballot. If this first transfer does not result in the election of the required number of candidates, the lowest candidate on the list is eliminated and his votes are transferred, and then if necessary the second lowest man is eliminated and following him the third lowest, and so on until the required number are elected.

In addition to Cleveland, Cincinnati, and two or three smaller cities in the United States the Hare system is used in a number of municipalities in Canada and other British possessions. In continental Europe where proportional representation is employed in municipal elections at all some variant of the list system is generally used. Under this system various lists or tickets of candidates are put in the field, and each voter is allowed to vote for as many candidates as there are places to be filled, scattering his votes as he sees fit. The total number of votes cast is then divided by the number of places to be filled plus one, to secure the electoral quota. This quota is then applied as a divisor to the number of votes received by each list, and the resulting quotients give the number of places to be assigned to each list. Thus if a certain list receives three places, the three highest candidates on the list are declared elected. Should there be any places unassigned after the completion of this procedure, they are usually given to the ticket with the highest total vote or the ticket with the largest remainder.

smaller American cities. The principal virtues claimed for proportional representation in councilmanic elections is that it guarantees a council chosen by a real majority of the voters and at the same time insures fair representation to minorities. It is claimed also that proportional representation gives the voter greater freedom in expressing a preference among the several candidates, and at the same time eliminates the confusion and uncertainty incident to the use of the long ballot. There is no doubt that the "list" system used in European cities has resulted in a more equitable distribution of councilmanic seats among the numerous political parties which invariably present candidates in European municipal elections; but it has not been subjected to the acid test of machine politics, for machine politics has not yet developed to the same extent in European cities as in American. In American cities proportional representation has not yet been used long enough to warrant more than tentative conclusions as to the validity of the claims made in its behalf. It did not prevent the election of a machine-controlled city council in Cleveland in three successive elections; but in Cincinnati it seems to have been successful, at least temporarily, in withstanding the assaults of the party machines.

Executive organization

We come now to the executive organization of city government. It is a significant fact that it is a well-nigh universal practice for the apex of the executive machinery of the city to be organized either as a part of or as directly subordinate to the city council. The only exceptions to this rule are the American cities having an independent mayor, or an independent mayor and other executive officials independent of both mayor and council. But, as we have noted in preceding chapters, the independent executive system is being rapidly superseded in American cities by forms of government characterized by a dependent or controlled executive. In English and Prussian cities the executive establishment of the city is the humble servant of the city council, chosen by and subject to dismissal by the council though not an integral part of the council. In France, although the mayor is chosen by the council, he is endowed by law with many powers which he may and often must exercise independently of the council. But the French municipal executive is by no means independent of councilmanic control to the same degree as the American municipal executive where the principle of separation of powers is applied. In

The independent *vs.* the subordinate executive.

French cities there is usually a close working relationship between the council and the mayor and his adjoints. The mayor and adjoints are members of the council as well as heads of the executive establishment, and are accountable to both the council and the central authorities. Under the commission plan of city government in the United States, councilmanic and executive organization are so completely commingled as to be almost undistinguishable and inseparable. Under the city manager plan there is a clear and sharp separation of councilmanic and executive machinery, but the executive is completely subordinate to the council.

Unitary *vs.* plural executive organization

It is interesting to observe also that multi-headed executive organization is just about as common as single-headed. English and German cities have a plural executive, as have American cities with commission government, councilmanic government, or check-and-balance government. The single-headed executive is found in French cities and in American cities having the manager plan or the strong mayor plan. American experience argues in favor of the single-headed executive, but European experience shows the plural executive in just as favorable a light. The results obtained seem to be determined as much by the professional or non-professional character of the civil service of the city as by the plural or unitary structure of the executive head.

The relation of the executive to the council

The relation of the executive to the council is perhaps more vital than the organization or structure of the executive itself. American cities have tried the experiment of freeing the executive from councilmanic control and making it directly accountable to the electorate, but it cannot be said that the experiment has met with conspicuous success. It is generally recognized that the executive side of city government should be non-political, but such a result can scarcely be expected when the executive is thrown directly into politics as is the case under the independent executive system. On the other hand, there is no positive assurance that the executive organization of the city will not be more or less permeated by politics when the executive is under councilmanic seigniority. The best results have been attained apparently under systems which establish an organic separation between the council and the executive, making the executive subject to councilmanic control at the top but largely independent of councilmanic interference in its internal organization and routine procedure. This relationship

forces the council to concentrate its attention upon results rather than upon the details of administrative operation. As a consequence the council is more inclined to place properly qualified experts at the head of the executive machinery of the city and then let them alone so long as they produce results than it is when it is required to deal with the minutiae of administrative routine.

It must be recognized, however, that no system of government ever has been or ever will be devised with such perfect correlation of form and function as to be immune from the diseases of democracy. Machine politics, when social conditions are such as to foster such politics, will corrode and cripple the best political machinery that the wits of man can conceive. But that is a subject for the next chapter.

Conclusion

Selected References

E. S. Griffith, *Modern Development in City Government,* Vol. II, Chaps. IX, XII.

A. C. Hanford, *Problems in Municipal Government,* Chap. V.

J. Wright, *Selected Readings in Municipal Problems,* Chap. IX.

Questions and Problems for Discussion

1. If called in as an expert to advise a city on the drafting of a new charter, under what circumstances would you recommend a large city council and under what circumstances a small city council?

2. If required to choose between the general ticket system of election and the ward system, what would you wish to know about the character of the city and the nature of its government before making a choice?

3. What should proportional representation accomplish in order to justify its adoption as a mode of electing members of a city council?

4. Does the same justification for executive independence exist in municipal government that many persons believe to exist in national government?

CHAPTER XIV

MUNICIPAL POLITICS

Not without reason did Thomas Jefferson deprecate and fear the effects of urban society upon democratic institutions. Paris and London he knew from first-hand contact, and his extensive historical studies had made him familiar with the stories of the great cities of antiquity. He knew full well that the idyllic democracy of his dreams could never flourish under the conditions of urban life as he understood them. Urban conditions impose a tremendous strain upon political institutions, and the force of this strain is greatly augmented for democratic institutions by the fact that their foundations are laid in the shifting sands of public opinion. To be effective as a governing force, public opinion must needs be coherent, positive, and reasonably prudent. In a simple, rural order of society where most men are engaged in similar occupations, have similar interests, think alike, and have substantial equality of economic opportunity, public opinion may readily operate as a constructive and salutary force in the process of government. But in a complex urban society where differentiation and heterogeneity are the most conspicuous characteristics of the social structure, how can there be such a thing as unified, vigilant, aggressive, and intelligent public opinion?

Democracy meets unusual difficulties in urban society.

The population of a great city is an almost indescribable mosaic of variegated and often intensely competitive social groups — groups that are differentiated by almost every dissimilarity that can estrange human beings from one another and create antagonisms among members of the same society. There are religious groups — Catholic, Jewish, Protestant, and many sub-species of each; there are racial and linguistic groups, constituting in some modern cities a veritable Babel of tongues and cultures; there are economic groups, embracing nearly all trades, occupations, and interests known to mankind; there are territorial groups, attached by ties of habit and sentiment to some particular portion of the city's area; and there are

Mixed composition of urban society

groups of miscellaneous character, fraternal, social, coadjuvant, almost without end. Conflicting, overlapping; competing, cooperating; altruistic, self-centered; organized, unorganized; permanent, transitory — these countless particles of humanity are the basic ingredients of that bewilderingly complex social aggregate which we call urban society. Can such a staggering congeries, such a multiform hodge-podge of anthropoid fascicules be capable of self-government? That question has brought dismay to the mind of more than one staunch champion of democracy.

The few and the many

No less significant than the heterogeneous social organization of the city is the complete dichotomy of its economic structure. From the economic point of view there are just two classes of people in a great city — the few and the many — the few who own and control the prodigious industrial and commercial empire which holds sway in the life of the city, and the many who, though nominally free and independent citizens, may be likened to a vast horde of serfs, dispossessed and exploited by the few who are their economic overlords. It is no use to blink the facts; they exist and have a profound bearing upon the political life of the city. The proletarian masses, dependent for food, shelter, employment, and all other necessities of life upon the capricious bounty of the few, have but one weapon of defense, and that is their political power. Democracy has given the masses the ballot, and armed with this instrument of warfare they may, if organized and effectively led, strike back at their overlords. But metropolitan masses are seldom well organized politically, and even more seldom are they effectively led.

The economic struggle in urban society

In connection with the foregoing facts we should take into account the grinding exigencies of the economic struggle in urban society — a desperate, feverish, ceaseless state of competition between individuals or groups of individuals, having as its objects, first, the means of subsistence, second, the attainment of economic security, and, third, the enjoyment of comforts and luxuries. In a capitalistic society, such as ours, the persons who own or control the use of capital are the grand seigniors of the world of business, despots in the empire of production and distribution, able to impose their arbitrary dictates upon less fortunate creatures. Now urban society, by contrast with rural society, is characterized by an enormous concentration of capital in the hands of a few individuals. The

city man, unless he be one of the favored few, is not born in possession of capital or in close access to it. He enters upon the economic struggle with no capital assets except his own brain and body. Of necessity he becomes an employee, and only his job stands between him and starvation. By dint of hard labor, rigid economy, and good fortune he may accumulate savings enough to emancipate himself from servitude and become his own boss. But the chances are all against it. The concentration of capital has gone so far, and the amount of capital required for an individual to compete on anything approaching equal terms with the great corporate combinations of capital is so great, that the average city man is doomed to remain a hired man. Should he accumulate savings, his best expedient is to invest them in the securities of great corporate enterprises which may bring him prosperity but will allow him scarcely a whisper of authority in the management of his own capital. Prosperous or impoverished, therefore, the city man is destined to be more or less a pawn in the games played by the great tycoons of capital.

Competition is a relentless master. The city man must have employment, and in order to get it must enter into competition with many others who want the same job. His ability to survive in competition with other employees determines whether he will hold his job. A bigger income or a better job means of course increased competition. The occupational group to which he belongs, be he common laborer, skilled craftsman, professional man, or business man, is engaged in intense competition with other groups and other industries. This competition further augments the pressure on the individual. Non-occupational groups, such as racial groups, religious groups, and fraternal societies, also react to the stimulus of economic competition. Catholics not only worship together but pull together economically, get jobs for one another, favor one another in business, and possibly boycott groups antagonistic to them. In the same way Methodists, Jews, Italians, Irish, Germans, Elks, Masons, Moose, and countless other groups of similar character respond to the pressure of competition. What sort of creature, then, is our average urbanite? Is he not a person harried by competition and driven by the eternal precariousness of his own prosperity and security to view things not so much from the standpoint of abstract principle as from the standpoint of their immediate effect upon him and those

Competition is a profound influence upon urban political psychology.

who ride in the same boat with him? If we keep that fact in mind we shall have a key to the real inwardness of urban politics. Of course rural society is competitive too, but it is not characterized by the fierce intensity, the racing speed, the high pressure, and the perilous alternatives that are present in the city. Rustic society favors the individual, and affords him a chance through industry and shrewdness to achieve a certain degree of individual independence.

Now let us take a look at the underlying theory of democracy as it relates to the basic conditions of urban society. The cardinal tenet of democratic dogma is the equality of man. All men are said to be equal, not in natural endowment, but in social rights, in economic privileges, and in political immunities. Such equality may exist in the abstract, but as a concrete reality it is alien to modern urban society. City population, as we have observed before, is divided into the masses and the classes. It always has been so, and doubtless will continue to be so until Utopia shall be translated from the realm of dreams to the sphere of daily human affairs. The democratic ideal of substantial equality among men may be, and sometimes is, approximated in rural society; but never in urban society. No amount of political democracy can erase the gross inequalities which inhere in the social and economic fabric of urban life. The growth of cities, whether under a democratic or a non-democratic system of government, inevitably results in the development of a small class of specially privileged persons and a huge mass of underprivileged people whose lives are spent in close proximity to the margin of security and comfort. It seems to be a law of social concentration that fundamental inequality grows in proportion to the density of population.

The traditional dogmas of democracy examined

1. The equality of man

A second postulate of democratic theory is that the great mass of men prefer good government, and, if given an opportunity, will choose honesty, efficiency, and economy in preference to corruption and maladministration. It may be true that the people are fundamentally virtuous, but there is little evidence to show that this native virtue exerts much influence upon the political reactions of the urban electorate. The kind of government that seems to appeal most strongly to the urban mind is that which provides *panem et circensis,* which panders to the emotions and seems to offer some immediate material benefit. The intensity and speed of urban life apparently have the effect of benumbing the faculties of discrimination and

2. The civic virtue of the people

shortening the range of vision. Government that is merely good, that carries no emotional appeal and fails to provide sop and sugar-candy for the urban multitude, is greeted with indifference.

3. The capacity of the people for self-government

Another assumption of democratic doctrine is that the people are capable of self-government. Although they may lack education, they are presumed to be shrewd, alert, and deeply interested in public affairs. There is doubtless an element of truth in this assumption as applied to a simple state of society, but it cannot be true of the miscellaneous multitudes who make up the population of great urban centers. The most prominent characteristics of the electorate in modern urban society are apathy, ignorance, gullibility, and prejudice. The wheel of life spins so rapidly, distractions are so numerous, and personal preoccupations are so imperative and absorbing that public affairs occupy little ground in urban thought. The favorite cartoon of Theodore Roosevelt depicted a roughhewn farmer sitting by the kitchen table, laboriously conning over the President's message by the feeble light of a kerosene lamp. Why did the cartoonist use a farmer rather than a city laborer or a fashionable flat-dweller as the central figure of his theme? The answer is obvious: the imagination would balk at such a picture. The urbanite may snatch vague fragments of political information from the daily press as he lurches to and fro in the street-cars; but the idea of a modern cliff-dweller sitting down to digest at leisure a bulky political document is so manifestly preposterous that no cartoonist would risk his reputation by suggesting it as a fact. The political consciousness of the urbanite may be reached by screaming headlines, human interest stories, piquant illustrations, and diluted condensations of speeches, but not by detailed facts.

Two requisites for effective self-government

Effective self-government depends upon two things: (1) a cohesive, aggressive, unfoolable majority in the electorate, and (2) efficient political machinery for the translation of the will of the majority into definitive action. We have already observed that urban conditions are not congenial to the development of effective and puissant majorities; but once in a while such a majority does arise. The transcendent question, then, is whether the majority can convert its aspirations into achievement. There are two fundamental processes in the business of self-government: the electoral process, which has to do with getting control of the machinery of government, and the ad-

ministering process, which has to do with the operation of the machinery of government after it has been reduced to possession. It is manifestly necessary to dominate the first of these, the electoral process, in order to be able to wield political authority; and it is just here that popular majorities encounter their first stumbling block. The intricacies of the electoral process, involving such matters as the registration of voters, the form and marking of the ballots, the procedure of counting, and the computation and recording of the results, are often so numerous and so little understood by the general public as to make it possible for unscrupulous politicians controlling the election machinery to nullify a popular majority by such standard political tricks as fraudulent registration, personation of voters, repeating, stuffing the ballot box, and falsification of returns. So long as the electoral machinery of the city remains in the hands of professional politicians, and this is commonly the case, there is little chance for a popular majority adverse to the interests of those particular politicians. Such a majority can hardly expect to place its foot upon the threshold of political power, for the politicians will manipulate the electoral machinery so as to push it out in the first round of the battle.

How the popular will may be thwarted

But assume, as occasionally happens, that there is rolled up a popular majority of such prodigious proportions that the politicians cannot possibly count it out. It sweeps into power, into full and undisputed possession of the machinery of government. Then appears the second stumbling block in the path of urban democracy — namely, the operation of the machinery of government in such a way as to insure the realization of popular aims and objectives. To accomplish this there must be strong organization and skilled leadership. These, unfortunately, are requirements which fortuitous and ephemeral popular majorities seldom have. In municipal politics victory does not generally abide with the many whose strength lies mainly in numbers, but with the few who are strong in organization, experience, and crafty leadership. These few — professional politicians, all of them — constitute the governing class of the city. Majorities come and go, are frequently made and unmade as political exigencies dictate, but the politicians go on forever running the machinery of government. One coterie of politicians may be swept out by a tidal wave of public opinion, but another quickly takes its place. Even when reformers are

Massive majorities lack the organization and leadership for administration.

installed in office their reign is brief, for, not being politicians, they seldom know how to retain and use the power they have seized.

European and American municipal politics compared

At this point it is well to note a somewhat puzzling contrast between European and American municipal politics. American observers have frequently commented upon the fact that European cities seemingly are not dominated by professional politicians. "All over Europe the city is governed by experts selected without regard to party and with special training for the posts they occupy. Nowhere is the city the pawn of parties or of business interests. Municipal administration is treated as a technical profession which requires long training and permanent tenure for the solution of its problems. The city is a great business corporation with a social as well as a political mission to perform."[1] Superficially statements like the foregoing quotation are true, but it is very doubtful if its implications of perfection and purity would be accepted at face value by European peoples themselves.

Municipal government in Europe has been dominated by the few.

In evaluating all such contrasts between European and American city government it is necessary to bear in mind that democracy in Europe is not always what it seems to be. European society is and has always been characterized by extreme social stratification; the classes and the masses are differentiated not only by economic privilege, as in the United States, but by social discriminations of almost every conceivable character — titles, ranks, educational privileges, traditional prerogatives, etc. Political democracy, not yet a century old in Europe, has been slow to change these things. Local government has been in the hands of the classes from time immemorial, and this situation has not been materially altered by the granting of suffrage to the masses. Why so? We must remember that the masses of Europe are different from the masses of America. For centuries the masses of Europe have looked up to the rich and well-born as the natural and rightful persons to occupy posts of authority. They have usually been denied educational opportunities, and such educational advantages as have been provided for the masses, ever since the advent of political democracy, have generally led along vocational lines, and thus have tended to perpetuate the existing social discriminations favoring the rich and well-born. Public office has been regarded as the special prerogative of gentlemen — men

[1] Howe, *European Cities at Work*, p. 348.

of education, substance, and position — and the masses, humbled by centuries of social inferiority, have readily acquiesced.

In European city government it is true, as Dr. Howe has stated, that the municipality has been conducted as a great business corporation, but, it is important to note, as a business corporation run by the classes for their own advantage primarily and incidentally perhaps for the benefit of the masses. Candidates for the city council have come largely from the upper levels of society, have been men of rank and social position as well as men of means. With such men party differences counted little in local government, for there were few party issues in local affairs. Graft could not tempt them greatly, because they were already on the top of the heap both socially and financially; their major passion was for the kind of city government that would keep taxes down, for they were heavy taxpayers, and that would shift the burden of taxation as far as possible to the shoulders of the masses. Hence their devotion to municipal ownership not merely for the purpose of service but for the purpose of producing revenue, drawn largely from the pockets of the masses, that could be applied in the reduction of taxation. Hence, also, their devotion to administration by trained experts whose skill would keep the costs of government down and extract the maximum of profit from the municipally owned utilities. The result, of course, has been clean and efficient government, but not necessarily government that has done much for the fundamental betterment of the social and economic position of the masses.

Why municipal government in Europe has been specially interested in efficiency and economy.

In American cities conditions have been totally different. We did inherit from England the tradition of government by the rich and well-born; but it was short-lived and was demolished by the sweep of the Jeffersonian and Jacksonian movements. Americans are deeply resentful of assumed social superiority whatever the basis of the claim. The dynamic and changeable character of American society has made it impossible for any class to establish itself either in social preëminence or political power, and this has left the way open for popular self-government. The masses could not govern themselves, of course; but they could preserve the integrity of their democratic ideals by refusing to commit the management of public affairs to the rich and the well-born. This fact has spelled opportunity for the professional politician. The plebeian masses in American cities could not be overawed by rank or wealth or

Why American cities have not been primarily concerned about efficiency and economy.

social tradition, but they could be seduced by the insidious arts of the professional politician. American city government has become, therefore, the plaything and the pawn of professional politicians. They, and behind them the interests they serve, are the governing classes, conducting the affairs of the city in their own interest primarily and incidentally perhaps for the benefit of the masses. Curiously enough there are some faint indications at the present time that European cities may be upon the eve of a political metamorphosis which will give rise to government by professional politicians on the other side of the Atlantic. Traditional class lines have been badly shattered by the consequences of the war, and the growth of well-regimented proletarian parties is tending to dispel the idea that public office is only for persons of rank and substance and education. The common herd show signs of consigning the upper classes to indefinite political retirement; and if that should occur it would clear the field for the professional politician. Prophecy is dangerous business; but paradoxes are common in politics, and the rise of boss rule in European cities during the next three or four decades would not be an inexplicable paradox.

Let us now direct our attention to the great game of politics as it is played in American cities. We hear a great deal of indignant denunciation of the rottenness of urban politics in this country, but there is little evidence that the basic factors underlying these malodorous conditions are understood even by persons who most vehemently deplore them. There are three causal factors to be taken into account in dredging the turgid depths of municipal politics — the interests, the people, and the politicians. When speaking of the interests we refer not only to the great corporations and business institutions which are sometimes described as " big interests " but to every interest, individual, collective, corporate, or otherwise, which strives to influence the conduct of public affairs for its own special benefit or advantage. The interests include organized labor, churches and various other religious institutions, business organizations and enterprises, the devious enterprises of the underworld, and in fact practically every element and ingredient of urban life that has special concernments in public affairs. There may be good interests and bad interests, but they all have one thing in common, namely, a desire to deflect the course of public affairs along lines satisfactory to themselves.

Factors in the great game of politics in American cities

1. The interests

Some interests exert enormous pressure upon the conduct of government, but always in open and legitimate ways; other interests, less scrupulous, place their main reliance in surreptitious and corrupt expedients. But all interests have an axe to grind and wish to use the machinery of government to do their grinding.

In the second corner of the triangle we find the people. The people possess the ballot and elect the officials who determine the course of government. In other words the people have the key to unlock the ignition switch of the machine which the interests wish to drive. The attitude of the people toward the different interests which strive to influence the process of city government is confused and uncertain. Some interests are universally unpopular; others meet with favor in some quarters and disfavor in other quarters; some interests arouse suspicion and prejudice; others are regarded with stolid indifference. It is highly probable, therefore, that no interest and no combination of interests could generate enough popular enthusiasm, by propaganda or otherwise, to win favor with all the people or even with a majority of the people. That, however, is rendered unnecessary by the fact that the politicians, who constitute the third factor in this triangular alignment of forces, stand ready and willing, for a price, to deliver the people blindfolded and hog-tied into the hands of the interests. By employing the politicians as brokers, the interests can be more certain of the outcome than by dealing directly with the people. Politicians are skilled and experienced craftsmen in the subtle art of winning elections. Masters of popular psychology, they know exactly how to convert the ignorance, credulity, prejudices, and inertia of the people into majorities at the polls. They understand how to give the people what they want, or to make them think they want what they get. Moreover, the politicians appreciate the value of organization and know how to build up organizations capable of weathering the storms of politics. Doctors of demagoguery, they might be styled. They do not play the game of politics for sport alone; their talents are for sale, and generally to the highest bidder. When employed by this or that set of interests, it is the business of the politicians, by the magic of political prestidigitation, to please and placate the people and at the same time produce a government that will serve the interests. That is the trick which enables them to stay in the game.

2. The people

3. The politicians

The stakes of the game

But what are the stakes of the game? What, for example, can be so ardently desired by the interests that they are ready to pay tribute to a gang of demagogic freebooters in order to obtain it? Different interests, of course, want different things. The public utility interests want increased rates, more favorable franchises, and want to stop all movements for public ownership. The contracting and building interests want to obtain contracts for such operations as paving, sewer construction, street cleaning, and garbage collection, and desire also to prevent the city from doing such work by direct labor. The real estate interests want street extensions, transportation developments and city plan developments favorable to their holdings or projects, and tax measures adjusted to their advantage.

1. What the interests want

The banking and financial interests want to serve as bond brokers for the city, to be custodians and depositaries of city funds, and to act as agents for the city in financial transactions. The manufacturing and mercantile interests want to sell supplies and equipment to the city. The insurance interests want to place insurance upon city property. The interests of the underworld — gamblers, bootleggers, prostitutes, racketeers, and criminals of every description — want police protection and laxity in law enforcement. The labor interests want to unionize the city service and to secure legislation favorable to labor. Religious and racial interests want special recognition in various ways and want to defeat measures which they conceive to be hostile to themselves.

2. What the people want

And the people, the great mass of everyday, garden-variety citizens — what are their wants? In the first place, they crave flattery and deference as balm to their humble souls. And they get what they want — in prodigious quantity and soupy consistency. In the second place, there are certain tangible and visible evidences of governmental solicitude for which the people strongly yearn — plenty of smoothly paved streets and boulevards for speeding the family car, parks and playgrounds and other recreational facilities for their diversion on Sundays and holidays, and monumental school buildings giving rise to an illusion of educational achievement. And, finally, in most cities nowadays the people seem to have an almost irrepressible desire for light wines and beer. There are a great many individuals, also, whose wants are of a more personal character. They want jobs on the city payroll, they want help when they get into police court on traffic charges, they want a street light

on their corner, or they want this or that special perquisite which can be enjoyed only through the city government.

The politicians have their wants too. The stakes of the game for them are power and money. Power comes from winning elections and controlling the machinery of government, and money comes from tribute levied upon the interests for services rendered. This compensation sometimes takes the form of outright bribes, though bribery is not as common as it once was; sometimes it takes the form of generous campaign contributions by the favored interests, for which no accounting is made; sometimes it takes the form of tips on the market and opportunities for enormously profitable investments; sometimes it takes the form of commissions and fees for ostensibly legitimate but superfluous and unnecessary services of a professional or business nature; sometimes it takes the form of salaries or profits from dummy corporations; sometimes it takes the form of winnings, guaranteed winnings, in gambling enterprises; sometimes it comes in the form of earnings from concerns organized by politicians to do business with the interests and with the city government. But whatever the form the politicians never fail to get it.

3. What the politicians want

Now we are in a position to discuss bosses and machines. There is nothing mysterious about a political machine. It is merely a well-organized syndicate of professional politicians working with mechanical precision and perfection. It is built up around and often as an integral part of the regular and legitimate machinery in political parties. In every American city there is a Republican organization and a Democratic organization. These are not necessarily political machines, but may be easily converted into such by the machinations of professional politicians. The party organization consists usually of a series of interlocking committees. At the apex of the structure is a city or county committee, and closely articulated with this committee are committees for each ward, district, and voting precinct. Each of these committees has charge of party interests and activities in the area assigned to it under the general oversight of the city or county committee. Each committee has certain executive machinery, consisting usually of a chairman, a secretary, and an executive committee. The chairman becomes the party leader within the jurisdiction of his committee, and is held responsible for results by his own committee and by the higher committees which have authority over

Bosses and machines

larger areas and particularly by the general committee of the city or county. The chairman or executive head of the general committee naturally is regarded as the general leader of the party for the whole city or county. The members of these are chosen, in theory at least, by the rank and file of the party voting in direct primary elections or acting through party caucuses and conventions.

Professional politicians transform party organization into a machine.

The professional politician naturally and inevitably seeks to transform the simple party organization described above into a well-lubricated machine dominated by a boss and a ring of political gangsters. The first step is to induce the party members who cast their ballots in the direct primaries or attend the caucuses and conventions of the party to support machine candidates for the various party committees. This is usually accomplished without difficulty, first, because of the indifference of the great mass of voters, and, second, because of the intensive cultivation of certain portions of the electorate by the adherents of the machine. Most voters, even though they be ardent partisans, do not care enough about the inner workings of the party system to take much interest in the composition of party committees. Such drab details are not for them. They see and hear little of party committees, know very little of their functions, and do not particularly care who the members are. If they vote in the primaries, they are very likely to vote for the different candidates for public office and overlook the candidates for the different party committees. And if the party committees are chosen by caucuses or conventions, the average party member does not care enough about it to seek membership in these bodies. Furthermore, membership on party committees means so little in the way of public honor and distinction that a person ordinarily does not become a candidate for party committeeman for altruistic reasons alone. The upshot of the business is that committee memberships very commonly go by default to those who seek them for selfish reasons. But machine politicians take no chances on the caprices of the electorate. Their strategy is to attach to themselves as loyal henchmen enough party members in each voting area to insure their control of the primaries, caucuses, or conventions by which the committees are chosen. Social clubs are organized; entertainments, picnics, excursions, and barbecues are given; jobs are obtained or promised for active workers; gratuities, charities, and favors are dispensed with a

large hand; money is sometimes judiciously distributed where it will do the most good; and where the exigency seems to require it, coercion is not eschewed. The machine candidates for places on the party committees are thus insured the support of an instructed block of voters who do as they are told because of gratitude or fear, while the independent candidates, if any, can rely only upon the average voter's interest in party affairs.

So the machine candidates win, nine times out of ten, and then the rest is easy. Installing themselves and their henchmen in control of the system of party committees, the machine politicians are in a position to take the steering wheel in their own hands and guide the party craft as they will. Their first concern is for nominations for office. The machine slate must be the party slate. If nominations are made by caucuses or conventions, it is a fairly simple matter for the machine to foist its slate upon the party. Controlling the governing machinery of the party — the party committees — the machine is largely able to determine the conditions under which caucuses and conventions shall meet and transact their business. Everything possible is done to favor the machine and to disconcert and divide its opponents. The dice are loaded against non-machine candidates from start to finish, and it is not often that the machine slate can be broken. If, however, the nominations are made by the direct primary system, the tactics of the machine must be varied somewhat. Its control of the party machinery gives it great tactical advantages. It has an organization intact and ready for immediate action, whereas the independent forces must build a new organization from the ground up. It has access to campaign funds that the independents cannot touch. It can take advantage of technicalities in the primary system, because the law usually accords certain prerogatives to the official committees of the party. Possessing these and other advantages, the machine, by concentrating its strength upon one candidate for each office and scattering the voting power of the opposition among several independent candidacies, by its control of publicity, by its well-filled treasury, and by its manipulation of the election machinery, can generally nominate its slate in the primaries.

How the machine runs the party and nominates its men

The general election at which members of the city council and other city officials are chosen is not infrequently a fight between two slates of machine candidates. It makes little differ-

Party machines in the regular elections

ence which wins; the city is doomed to have machine government, and there is not much choice between the Republican variety and the Democratic variety. But it sometimes happens that only one of the two parties is machine controlled — it is invariably the party that is normally in the majority — and that the fight is between the machine and the combined forces of the opposing party and the independents. Such an alignment would be fatal for the machine were it not that three things count heavily in its favor. The first is the regular party vote. If the machine party is the one to which a majority of the voters of the city normally belong, party regularity will save the machine from defeat in nine cases out of ten. Most voters are habitual members of one party or the other, and, having formed the habit of allegiance to the standard of a party, will regularly cast their votes for the ticket of that party. Nothing short of sensational corruption or a putrid sex scandal will shake them loose from their traditional allegiance. And clever machine politicians generally avoid any such contretemps. The second circumstance favoring the machine is the nursed vote. This is the solid block of votes which the machine has built up in each voting precinct by means of jobs, gratuities, perquisites, and favors. This vote never fails to go to the polls and never fails to vote the ticket straight. It is strong enough to offset any defections to the opposition, and sometimes outnumbers the combined forces of the opposition. The third and final fact that redounds to the advantage of the machine is the inertia and apathy of the electorate. Despite the continuous uproar in our cities about the iniquities of machine politics, fully half of the qualified voters rarely go to the polls. The tumult and shouting of municipal politics make no more impression upon them than the roar of the elevated and the rumble of the subway. It is all a part of the incessant hubbub of city life. But the controlled vote of the machine never fails to appear at the polls in full strength; that is what it is paid for. As a result, therefore, of the combined effect of the three circumstances just set forth, a strong and well-organized party machine has better than a fifty-fifty chance to carry its slate to victory whatever the nature of the opposition.

The rôle of the boss

Nothing has been said thus far about the boss, but he is a necessary and integral part of the machine. No organization can operate efficiently without a head, a powerful and authoritative chief. This function the boss performs in the machine.

He is usually a person of great native shrewdness, who knows how to handle men. By dint of superiority in the talents which count in politics, he has made himself the acknowledged leader of the group of politicians who constitute the main cogs of the machine. He may be chairman of the central executive committee or hold some other official post in the party organization, or he may prefer, as did the late Charles F. Murphy of Tammany Hall, to hold no official place either in the city government or the party organization. The boss is not boss because of the titles he holds or the positions he occupies, but because he holds sway over the members of the machine by force of character, soundness of judgment, resourcefulness, knowledge of human nature, and experience in the arts of politics. He may run the machine like a mediaeval despot, or he may be an "easy boss," gaining his ends through cleverness, conciliation, and diplomacy. A capable boss with a well-regimented machine at his back is a power to be reckoned with in every political campaign; like the commander of a well-drilled regular army, he can rout popular levies greatly outnumbering his own trained legionaries, because he has organized force at his disposal.

Boss rule rests, as we have seen, upon deep foundations. The cupidity and unscrupulousness of the interests, the inertia, stupidity, and disorganization of the people, and the avarice and immorality of the politicians — these, in brief, are the causal factors in machine politics. It is a curious fact in American society (doubtless also in European society) that persons of highest respectability, persons who pride themselves upon the honor and probity of their dealings with their fellow men — moralists, churchmen, uplifters — do not allow their moral scruples to interfere with the conduct of their corporate interests. When it comes to furthering the interests of public utility companies, contracting firms, or other big business concerns in which they have holdings, these persons do not shrink from traffic with the boss and the machine any more than the lowest knaves of the community. Is it any worse for a bootlegger to bribe a policeman than for a bank president or a public utility magnate to make a fat contribution to the boss's campaign fund? When America finds the right answer to that question, she will also find a solution for the problem of machine politics.

The causal factors of boss rule

It is also true that the people themselves, by reason of their

susceptibility to the cozenage of patronage, perquisites, and favors, are to a large extent the authors of their own political troubles. But there is some excuse for this weakness in the humble and lowly denizens of our vast urban jungles. "Consider the standpoint of the voter. He knows, perhaps, that it is better in the abstract for the city to build cheaply, to have capable officials, and to rid itself of criminals. However, in concrete cases he agrees with the politician that it is better to give Terry a fat contract, to find a city job for Angelo, and to see that Jimmie isn't sent to jail. Abstractly he admits that it might be better to repudiate Tammany. Concretely he is faced with a more difficult choice, and one which might cause a wiser man to hesitate. He must choose, that is, between inefficient and frequently dishonest government by his own people, and, on the other hand, relatively efficient administration by men he regards as foreigners." [2]

The people make bossism possible.

A great deal has been said and written about the eradication of machine politics in American cities, but very little has been done to bring about this much-desired consummation. It used to be thought that bosses, rings, and machines could be stamped out by means of drastic political reforms, but we have seen enough of political reform during the past half-century to be no longer deceived by this will-o'-the-wisp theory. The roots of the boss system are sunk deep into the subsoil of our social and economic life, and draw their sustenance from sources so far beneath the surface that it will take deep grubbing in the field of social and economic readjustment to kill them out. So long as business interests — respectable business interests — persist in their present Machiavelian attitude toward politics; so long as the masses can hope for no greater concrete benefits from city government than jobs, perquisites, and public improvements; so long as the people are so divided by racial, religious, or local prejudices as to place these special interests above general welfare; and so long as the profession of politics is dominated by persons who prefer to take the cash and let the credit go — so long as these conditions continue, bosses and machines will be likely to flourish.

The conditions which must be changed in order to stamp out bossism

The distinguished career of Alfred E. Smith and the alleged reformation of the Tammany machine of New York have given birth to a vast amount of speculative discussion as to the possibility of the purification and regeneration of political ma-

[2] Malcolm Cowley, *The Peasants of New York,* New Republic, June 6, 1928.

chines by internal action. So broad-minded has critical opinion become on this subject that one of the monthly magazines which claims to appeal only to the civilized minority of the American public has lately published an article depicting the the late Charles F. Murphy of Tammany fame as a Puritan in disguise, a man who took only " honest graft " and labored indefatigably for the moral and material advancement of the people of New York. It is a pretty conceit, and perhaps not wholly fanciful. It is certainly not impossible, and not wholly improbable, that circumstances might occasionally conspire to bring forth machine politicians of high capacity for popular leadership and of sincere devotion to popular welfare as understood by them. Such leaders, if and when they arise, may be able partly and temporarily to transform a political machine from a thing of evil ways into an instrument of beneficence and progress. But the student of political science, knowing the fundamental bases of machine politics, though he may indulge the hope, will certainly not entertain the belief that such reformations can outlast the lives of the particular leaders by whose personalities they were evoked.

The possibility of internal regeneration of political machines

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Questions and Problems for Discussion

1. Can a political machine be established and maintained without the assent, or at least the passive acquiescence, of the people?

2. Why has it been easier to build up political machines in American cities than in European cities?

3. If Tammany, or any other great urban political machine, could be abolished, would it not be promptly succeeded by another political machine of a different name but much the same character?

CHAPTER XV

METROPOLITAN GOVERNMENT

Municipal corporations are fashioned by the factitious hand of government, but cities grow in response to the pressure of social and economic forces. Men build cities in accordance with the requirements of commerce and industry, but, unfortunately, they do not provide political machinery consonant with the needs of cities for governmental services. Political progress displays a tendency to lag behind social and economic progress, and in great cities this lag often develops into a case of retardation with pathological consequences. When a city expands and develops with such prodigious strides as to outrun the proper expansion and development of its political machinery, there ensues a condition of enfeeblement and impotence in the political processes of urban life which produces a most deleterious reaction upon the social and economic well-being of the whole urban community. This condition is to be found today in nearly every great metropolitan center.

Political progress and social progress do not keep step.

How have these maladjustments come about? In every city the story is much the same. At some distant time in the past, when the city was but a fraction of its present size, a municipal corporation was established to facilitate the conduct of local government in the city. Certain definite boundaries were assigned to this body corporate, and within those boundaries it was empowered to carry on local government. The boundaries of the corporation at the time they were fixed probably included all of the built-up area and a considerable slice of the adjoining rural territory. The men of that day did not dream that the city would grow beyond those boundaries and become a vast metropolitan center numbering hundreds of thousands and even millions of souls. But time has a way of disregarding the plans of men. Caught up in the flow of titanic social and economic forces, the little city became a mammoth metropolis. The corporate boundaries were quickly filled up, and population spread all over the adjacent countryside. Spasmodic ef-

The origin of metropolitan disintegration

forts were made to extend the boundaries of the corporation to keep pace with the growth of the city, but the mills of government grind so slowly that these were never more than partly successful. Outside the boundaries of the original corporation suburban municipalities sprang up in great profusion. These satellites grew and multiplied until the metropolitan area, though increasingly unified from the standpoint of commerce and industry and social life, evolved into an impenetrable morass of dissevered and uncoördinated agencies of local government. And as a general rule further confusion was added to this already staggering jumble by the creation of many special agencies of government to operate throughout the metropolitan area, and by the survival of the county as an independent unit of government.

Examples of metropolitan disunity

In some such way as this have been begotten the bewildering multiplicity of political corporalities which are to be found today in nearly every great metropolitan center. New York with her five boroughs, five counties, her highly complex federal organization, and her scores of contingent but unannexed suburban municipalities; Chicago with upwards of 390 distinct units of local government in the metropolitan zone, including cities, counties, towns, villages, school districts, sanitary districts, park districts, library districts, and forest preserve districts; Boston with fourteen cities, twenty-six towns, five counties, and five state commissions functioning within the metropolitan area; Detroit with one county, five cities, twelve villages, twenty-one townships, and one hundred and twenty-one school districts in the metropolitan area; Los Angeles with one county, thirty-eight municipalities, one hundred eighty-seven school districts, thirty-four lighting districts, thirty-three road districts, and two protection districts in the metropolitan region — these are typical examples of the sort of political disintegration which characterizes almost every big metropolitan center of modern times. London, Paris, Berlin, Brussells, and other great European cities are afflicted with the same ailment, although, as will be noted later, efforts have been made recently in some of the metropolitan centers of Europe to effect a cure by means of consolidation or federal unification.

The consequences of metropolitan disunity

What are the consequences of chaotic disunity in the governmental structure of metropolitan communities? To answer this question it is necessary only to recall that the most important problems to which the instrumentalities of government

must be addressed in a metropolitan center are those which should of right be dealt with on a broad regional basis — problems such as sanitation, drainage, public health, water supply, parks, police administration, law enforcement, city planning (including zoning), traffic regulation, public utilities, and perhaps even education. Bacteria have scant respect for municipal boundaries. Criminals revel in the jurisdictional complexities that arise in metropolitan centers. The sources of water supply do not conform to the political segmentation of the metropolitan area, and neither do the natural and necessary channels for drainage and sewage disposal. The areas available for parks and other recreational facilities do not correspond with the distribution of population among the component political units of the metropolitan region. Transportation is a problem that covers the whole metropolitan district, for the movements of population follow the courses of commerce and industry and not the lines of political partition. City planning is a regional problem. It is obviously impossible to formulate and carry out a practicable and intelligent plan for the physical development of the metropolitan area on a segmentary basis, for the forces which must be controlled by the city plan are not local but regional forces.

No unity of policy or administration

The most unfortunate thing, therefore, about political disintegration is the fact that it leads to friction, dissension, and impotence, where there should be unity, coördination, and vigor in coping with the great problems of urban life. Instead of one policy, one program, and one system of administration, there are several. Lack of uniformity means laxity and futility. Divergences in policy and rigidity of law enforcement enable the vice interests to use the lax municipalities as bases of operations from which to prey upon those which have adopted a sterner policy. Divergences in the traffic codes of the contiguous municipalities of the metropolitan area breed bewilderment among automobile drivers and multiply accidents. Arterial thoroughfares to relieve traffic congestion cannot be put through without diplomatic and legal complications that would be ridiculous in an international conclave. A dozen or more different regulating authorities and as many different franchises must be harmonized before a unified street railway system capable of serving the needs of the whole metropolitan area can be worked out. Examples of this sort might be multiplied almost without limit. Every major problem of local self-

government is a community problem, a metropolitan problem, and not a problem confined to a single political unit of the metropolitan region.

Political disunity has other serious aspects also. It tends, for one thing, to becloud the essential differences between things which are of regional importance and those which have only neighborhood significance. It is proper, and in fact highly desirable, that neighborhood affairs should be handled by neighborhood action and regional affairs by regional action. Under the chaotic political organization prevailing in most of our metropolitan centers no such discrimination is possible. The same machinery and the same governmental processes that are employed in dealing with such problems as public utility regulation or public health are also used to determine whether a householder may keep chickens in his back yard. In fact matters of petty local concern oftentimes clog the channels of government so badly that it is difficult to transact business of major importance. Another thing that results from political disunity is serious financial dilemmas. The financial capacity of the different units of the metropolitan community is seldom equal. Great wealth and high property values are found in the sections that are built up and improved, whereas the greatest need for financial resources is in the residential districts inhabited by the poorer classes of people. The lack of political unity throughout the metropolitan area makes it impossible to equalize financial burdens and thus to utilize the financial resources of the community to the greatest advantage. Still another unfortunate consequence of political disunity is the handicap it imposes upon the natural and proper development of trade and industry. Varying and improperly fluctuating tax rates, disjointed and disrelated city planning, incongruous deviations in the regulation of public utilities, the unnecessary multiplication of official red tape, and similar consequences of political disintegration — all these constitute impediments to the sound progress of business and add to the overhead cost of doing business in the city. Many cases are on record where important commercial and industrial concerns have either moved away from or refused to locate in a community because of unfavorable conditions resulting directly from the chaotic structure of its political machinery.

No proper distinction between regional and purely local matters

Needless to say, the political life of a metropolitan community is also badly blighted through the existence of many sepa-

Political demoralization

rate units of local government. Large property owners, prosperous business and professional people, leaders in all lines of endeavor tend to move into the select residential suburbs and commute to their places of work down town. By so doing they lose their votes in that portion of the metropolitan district where their greatest interests are, and are excluded from all direct participation in public affairs outside the boundaries of their own suburbs. The central parts — major commercial and industrial portions — of the metropolitan community are thus abandoned to the obscure and instable masses whose leadership gravitates into the hands of machine politicians, while the smug suburban municipalities where the optimates dwell, having few political issues of dramatic prominence, excite little interest in public affairs. As a consequence civic consciousness sinks about as low among the fortunate and educated classes as among the less favored elements of society. The metropolitan community as a whole is denied the constructive and intelligent leadership that it needs, and the political arena, save for a few snobbish enclaves, is thrown wide open to professional politicians.

Movements for political unification

The evils incident to metropolitan disintegration have not remained unnoticed or uncombatted. Movements designed to achieve unification, or at least some degree of unification, have been launched in practically every great urban center, and some of these have met with a certain measure of success. The tactics pursued have naturally varied widely at different times and places. In some instances it has been possible to accomplish more through voluntary coöperation on the part of commercial and civic agencies, or at times of governmental agencies, than in any other way. Such coöperation does not, of course, produce political unity, but it does provide a means of getting around some of the difficulties of disunity. Chambers of commerce, citizens' associations, and like organizations, can sometimes engender public sentiment that will lead to the adoption of common policies throughout the metropolitan area, and can sometimes mediate between clashing local authorities. Beyond this, however, they are seldom able to accomplish much; they have no power over the execution of policies and are unable to fuse the disconnected political machinery of the metropolis into a harmonious whole.

The simplest and commonest device for the accomplishment of political unification is the annexation or consolidation of

contiguous municipalities. Great triumphs have been achieved by means of this expedient, and likewise great failures. By means of annexation and consolidation a greater Philadelphia was created in 1854 by extending the boundaries and jurisdiction of the city of Philadelphia to include all the suburban governmental units in Philadelphia County. This was done by a legislative enactment which enabled Philadelphia to absorb her outlying municipalities without their sanction or consent. In practically the same way the city of Greater New York was formed in 1898 by the consolidation of Brooklyn and a number of other satellite municipalities and also certain contiguous rural areas with the city of New York. By legislative enablement also the city of Pittsburgh in 1906 annexed the city of Allegheny and several other adjacent municipalities. Several other cities, notably Chicago and Los Angeles, have greatly extended their boundaries by annexation, though more gradually than in the cases cited and usually without special assistance from the state legislature.

Annexation

But the process of annexation is attended by difficulties that militate against success. In most states the law does not permit the annexation of one municipality by another without the consent of the governing authorities or the electorate, or both, of the municipality annexed. Nor may this rule be abrogated by special legislative enactment is most states, because there are constitutional restrictions upon special legislation affecting cities. To surmount local pride and local politics and induce a municipality to consent to its own extinction is one of the most difficult things that statecraft can undertake. It is only when the absorbing municipality has unusual advantages to offer, such as the assumption of debts or the reduction of taxes, or is able to exert coercive pressure through its control of municipal necessities, such as water supply or drainage facilities, that the subjects of the annexation are likely to accept it of their own volition. Unorganized rural territory, on the other hand, is usually not difficult to annex, and most of the territorial accretions which American cities have achieved through annexation have been of this character. In Europe, however, municipal annexation, meaning the annexation of one municipality to another, does not involve the difficulties that are encountered in the United States, the explanation of this being found in the fact that in Europe the power of annexation usually resides with the central authorities rather than with the

Difficulties with annexation

municipalities affected. For that reason annexation has been much more freely used in Europe than in this country.

The city-county problem

One of the most serious obstacles to governmental simplification in American metropolitan communities is the overlapping jurisdiction of city and county government. In Great Britain this difficulty is avoided by the simple provision in the municipal code to the effect that any municipal borough with a population of 50,000 or more may be made a county borough by order, after due inquiry, of the Ministry of Health. Upon becoming a county borough the municipality is detached from the county of which it was formerly a part and is set up as a separate county with a combined city and county government. In France and Germany the problem does not exist, because there is no overlapping of rural and urban units of local government.

1. In Europe

2. In the United States

In the United States the county, though it originated as an administrative district of the central government, very early came to be an agency of local government as well. One might suppose that the county would surrender its functions of local government within the boundaries of incorporated municipalities as they were established within its borders, but such has not been the case. The county sheriff, the county coroner, the county engineer, and practically all the other county officials have continued to exercise their functions in the incorporated as well as in the unincorporated areas of the county. Duplications of function ensued, to be sure, but when cities were small and the urban area inconsiderable as compared with the rural area, frequent and serious collisions did not occur. But the growth and multiplication of cities and the consequent spreading of the urban area over the major part of the county, and in some cases over more than one county, have changed all this. Where this has occurred, county government has become almost purely urban government, and a sort of supernumerary urban government at that. Clashes and controversies between county and city officials become inevitable under such conditions. Nothing is more common in the urban centers of the United States today than the spectacle of county and city officials arrayed against one another in bitter antagonism, indulging in mutual recriminations, and solemnly "passing the buck" back and forth. The sheriff's office and the police department, the county engineer and the public works department of the city, the county health officials and the city health

department, the financial officers of the county and the financial officers of the city, as well as various other county and city officials that might be mentioned, have coincident duties and co tacts which frequently bring them to swords' points. Not only does this result in halting and inefficient government, but it involves unnecessary duplications of official personnel that furnish sustenance to a vast horde of political spoilsmen.

These conditions have brought the problem of city-county consolidation to the fore as one of the major questions in the realm of local government. Several American cities have succeeded in effecting a merger of city and county government, and the question is being agitated in many others. The first notable instance of city-county unification in America occurred in 1851 when the city of Baltimore was detached from the rural portions of Baltimore County and set up as a separate county. The consolidation of political machinery in this case did not go as far as might have been desired, but the county and city governments were at least made identical in area and population. The next case of city-county consolidation was that of San Francisco in 1856. This was a real consolidation. The act of consolidation abolished the former county of San Francisco, repealed the charter of the city, and erected a new municipal corporation styled "The City and County of San Francisco." The new corporation performed the functions of both city and county government, but did not retain the full quota of city and county officials. Certain duplications were allowed to remain, but the merger of offices and departments went far enough to produce immediate and extensive economies in the operating cost of local government. The next conspicuous case of city and county unification was in St. Louis. In 1876 a provision was inserted in the proposed new constitution of the state of Missouri providing for the extension of the boundaries of the city of St. Louis, for the separation of the city of St. Louis from the county of the same name, and for the reorganization of both the city and the residue of the county. The proposed constitution was adopted by the voters of the state, and the city-county merger promptly took effect. A combined city-and-county government was established in the urban area of St. Louis, and all county offices were abolished except those of sheriff, coroner, and public administrator. The fourth outstanding case of city-county consolidation occurred in Denver. By constitutional amendment in 1902 the city

City-county consolidation

of Denver was detached from the county of Arapahoe; the boundaries of the city were by the same measure extended to embrace large suburban areas, and the city with these enlarged limits was transformed into a new body politic known as " The City and County of Denver." Hostile litigation tied the matter up in the courts until 1911, but since that time Denver has enjoyed the advantages of city-county unification.

Difficulties in city-county consolidation

City-county consolidation is not an easy thing to accomplish in the United States. The legal basis of county government generally is such that some modification of the state constitution is necessary to effect any material changes in the functions, organization, and boundaries of counties. And even where there are no constitutional barriers, it is generally necessary to secure an enabling act from the state legislature before the localities concerned can proceed with consolidation. These obstacles serve as intrenchments for the opponents of consolidation, and not infrequently have the effect of blocking all consolidation movements in their incipiency. Professor Reed [1] has expressed some doubt as to the desirability of city-county consolidation in all cases. His point is that the rural areas not included in the consolidated government are unable to provide the governmental services required by their suburban position when excluded from the county of which the great city is a part. This contention is not without force, but it argues more strongly for a complete revamping of local government units in metropolitan regions than for the perpetuation of the absurd and extravagant duplication of city and county government.

Special metropolitan districts

Another expedient which has been largely used to overcome the handicaps of metropolitan dismemberment is the creation of special metropolitan districts for the handling of one particular function or group of functions throughout the entire metropolitan area. The need for united and comprehensive action is more acute and therefore more apparent in such immediately vital affairs as water supply, sanitation, sewerage, and public health administration than it is in connection with the less obviously metropolitan concerns. Therefore it is possible oftentimes to generate sentiment favorable to unified metropolitan organization for the discharge of certain special functions of government when it would not be possible to make any progress at all in the direction of general unification. Numerous ex-

[1] Reed, *Municipal Government in the United States,* pp. 365–366.

amples may be cited. The metropolitan district has been a favorite device for securing unified local government in England. In the metropolitan area of Greater London we find the Metropolitan Water District, the Metropolitan Commission of Sewers, the Metropolitan Police District, the Metropolitan Board of Works, the Metropolitan Board of Parks, and the London Electricity Supply Area. Metropolitan organization of similar character may be found in practically every large urban area in the United States. Among the more conspicuous examples are the Port Authority of New York, which was created by a treaty between the states of New Jersey and New York, and has jurisdiction over the development, coördination, and operation of port facilities appurtenant to New York, Hoboken, Jersey City, and Newark; the Sanitary District of Chicago, which has the duty of constructing and maintaining the sewerage system of the Chicago metropolitan area, as well as many related functions; the Los Angeles Sanitary District, which is responsible for the planning, construction, and operation of sewers in the Los Angeles metropolitan region; the South Park Commission, which has to do with the provision and maintenance of parks and boulevards for a large area including portions of Cook County and Chicago; the Rhode Island Park Commission, which is responsible for acquiring and maintaining parks for eleven cities and villages in Rhode Island; the Metropolitan District Commission, which deals with sewerage, parks, water supply, and city planning for the metropolitan area of Boston.

How special districts are created and organized.

Practically all such functional districts have been created by special enactment of the state, provincial, or national legislature, and in most cases the population affected has had no direct voice in the matter by way of referendum. The governing authorities of these districts consist usually of a board or commission whose members are appointed either by the central authorities or by designated local authorities. In a few exceptional cases the members of these metropolitan boards are elected by the voters of the district. It is the common practice also to render these special districts financially independent of the municipal authorities of the metropolitan area by giving them special taxing and borrowing powers and in some instances by allocating to them the earnings of the services operated by them.

The special metropolitan district has proved to be a device

of great value. More has actually been accomplished in the way of unified and efficient metropolitan administration by this means than by any other. It concentrates attention upon one problem, and provides machinery for dealing with that single problem in a most effective manner. Nevertheless the tendency to multiply special districts is from some points of view to be deplored. The problem of metropolitan dismemberment cannot be solved by special districts. To meet all the needs of the metropolitan community would require so large a number of special districts that in the end confusion and disunity would be as bad as ever or worse. Each additional special district adds further complications to the already top-heavy and labyrinthine structure of metropolitan government, and, unless the local government agencies of the metropolitan region can be entirely displaced by special districts and these fused in some way into a harmonious whole, there is little hope of substantial integration of metropolitan political processes from this quarter.

The value of metropolitan districts

Federal organization in the metropolitan area

The most attractive idea, from a purely theoretical standpoint at least, for promoting metropolitan unification is the proposal that metropolitan government be organized on a federal basis. Not only has this plan been extravagantly admired, but several cities, notably New York, Berlin, and London, have attempted with more or less fidelity to put it into operation. The New York system can scarcely be described as a thoroughgoing federal plan, but it has some federal characteristics. The city of Greater New York, as established in 1898, is divided into five boroughs — Manhattan, Bronx, Brooklyn, Queens, and Richmond. There are no borough councils, nor do the boroughs possess any independent powers of policy determination. Each borough, however, elects a borough president who has charge of certain administrative functions which have been reserved to the boroughs. These include the construction and repair of streets and sewers, the care of public buildings, the enforcement of building regulations, the control of various incidental matters relating to streets and buildings, and, in the cases of the boroughs of Richmond and Queens only, the cleaning of streets. The five borough presidents together with the mayor, the president of the board of aldermen, and the comptroller, constitute the board of estimate and apportionment, which, though not originally so designed, has become the upper and dominant branch of the municipal legislature.

1. Greater New York

The distribution of voting power in the board of estimate and apportionment recognizes the five boroughs as representative districts entitled as such to a distinct voice in municipal affairs. The mayor, the president of the board of aldermen, and the comptroller, who are elected by the voters of the whole city, cast three votes each; the presidents of the boroughs of Manhattan and Brooklyn cast two votes each, while the presidents of the boroughs of Bronx, Queens, and Richmond cast one vote apiece. Thus it appears that the members representing the city as a whole can outvote the spokesmen of the boroughs. It is provided, furthermore, that a quorum of the board shall consist of a sufficient number of members to cast nine votes, including always two members who cast three votes each. Except for the above-mentioned concessions to the boroughs, the government of New York is highly centralized. The mayor is a powerful executive officer having authority to control and direct all of the important administrative departments. The board of aldermen is the general legislative body of the city whose members are elected by aldermanic districts or wards which are apportioned among the boroughs on the basis of population.

2. Greater Berlin

The government of Greater Berlin was forged in 1920 by uniting with the old city of Berlin a large number of suburban governments, including eight cities, fifty-nine rural communes, and twenty-seven manorial precincts. The area of the greater city was then divided into twenty administrative districts, and provision was made for the subdivision of each of these into local districts if desired. The principal governing body of the city is the municipal assembly, which chooses the administrative board and the burgomasters. Each of the twenty administrative districts also has an assembly or council consisting of the district's members in the general assembly of the city plus from fifteen to forty-five district councillors chosen by the voters of the district at the same time that they elect members of the municipal assembly. These district councils have jurisdiction over all matters peculiar to the district, subject to veto by the general administrative board of the city. Each district has its own administrative board and its own burgomaster, these functionaries being appointed by the district council. The district board and the district burgomasters act not only as agents of the district councils but also as agents of the administrative board of the greater city. By concurrent resolu-

tion of the district board and the district council, approved by the administrative board of the city, the administrative district may be partitioned into local districts, and each of these may have its local chairman and local council. Though it may not be strictly accurate to apply the term " federal " to this novel scheme of metropolitan organization, it is federal in the sense that it undertakes to make provision for local autonomy while at the same time establishing a unified system of government for the metropolitan area as a whole.

3. Metropolitan London

The government of London consists of three parts — the city of London, the several metropolitan districts, and the administrative county of London. The city of London is the ancient and historic municipality of one square mile which is now but a tiny enclave in the heart of the great metropolis. It retains its corporate entity and its curiously mediaeval system of government, although it has ceased to be a prominent factor in the government of the metropolitan area. The metropolitan districts are special areas set apart by parliamentary enactment for the administration of some particular function of government through a special board or commission. The metropolitan districts of Greater London are enumerated on page 177 *supra*. The administrative county of London is coterminous with the boundaries of the Metropolitan Board of Works, and has jurisdiction within this area over all affairs not vested in the city of London or one of the special districts. The county of London is divided into twenty-eight boroughs. The governing body of the county is a county council. The members of the council include a body of councillors chosen by the voters according to parliamentary constituencies and a body of aldermen chosen by the councillors. Each borough has also its borough council, which is constituted in substantially the same way as are all other borough councils in England. The distribution of powers between the county and the boroughs follows the federal idea. The county has exclusive jurisdiction over some matters, the boroughs over others. There is also a large area of authority in which the powers of the county and the boroughs overlap. Unfortunately the division of powers between the county and the boroughs is so illogical and ambiguous that great confusion and dissatisfaction have resulted. The situation is now becoming intolerable, and is aggravated by the fact that the outlying areas have grown so prodigiously since 1888, when the administrative county

was established, that a large part of the metropolitan region is now devoid of even the doubtful blessings of the partial unification accomplished by the creation of the administrative county. The last few years have seen many proposals for further unification, but as yet nothing has been done.

Conclusions

From the foregoing review of the expedients and processes by which metropolitan unification has been attempted it is plain that the problem is not to be solved by any simple formula. Important and indispensable as political unity is for the good government and social well-being of the metropolitan community, it can be purchased at too great a price. To purchase unity by making such liberal concessions to local subdivisions as will cripple and impair the efficiency of the metropolitan government, is manifestly too great a price to pay. On the other hand, to ignore local feeling and disregard essential local interests by overcentralization, may also turn out to be a bad bargain. The proper balance between local and central authority is hard to strike, and it is even harder to devise governmental machinery that will maintain such a balance once it is found. The prime desiderata of metropolitan government are unity, simplicity, and flexibility combined with adjustability to local as well as general needs. How to achieve these desiderata is a problem for scientific study and constructive statesmanship applied to each metropolitan situation as though it were *sui generis*.

Selected References

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Questions and Problems for Discussion

1. How many independent or semi-independent units of local government can you discover in the urban area in which you live? Did those conditions come about as the result of careful planning of governmental machinery to meet the needs of the urban community?

2. Prepare a plan of political unification which will be suited to the needs and circumstances of the urban community in which you live.

3. Would the principles followed in the formation of Greater Berlin be of any value in the solution of the problems of metropolitan organization in London, New York, and elsewhere?

CHAPTER XVI

THE PROBLEM OF ADMINISTRATION

In 1900 Dr. Frank J. Goodnow, then professor of administrative law in Columbia University, published a book entitled *Politics and Administration,* which laid the foundation for much of our contemporary thinking on the subject of public administration. Rejecting the tripartite theory of the separation of governmental powers as unsound in principle and unworkable in practice, and likewise the dogma of functional unity, Professor Goodnow advanced the hypothesis that there are two natural and mutually exclusive categories of governmental action. These he called " politics " and " administration." " Politics," he said, " has to do with policies or expressions of the state will. Administration has to do with the execution of these policies." The function of politics, as conceived by Goodnow, involves all governmental processes having to do with the expression of the public will, with the determination of who shall express that will, with the determination of the methods by which it shall be expressed, and with such control of administration as may be necessary to insure the execution of this expressed will. The function of administration, on the other hand, involves those governmental processes which have to do with the conversion of general principles or rules of policy, as expressed through political processes, into concrete achievement through detailed application to situations arising in the relations of human beings to one another and to the body politic. According to the Goodnow theory all organs, agencies, and instrumentalities of government are classifiable as essentially political or essentially administrative, and should be differentiated, organized, and mutually adjusted on that basis.

The Goodnow doctrine of politics and administration

The importance of the Goodnow doctrine does not lie in the fact that it was immediately taken up and applied by the artificers of governmental machinery, but in its gradual permeation of the realms of political thought and action. We

Importance of the Goodnow theory

still construct much of our governmental machinery according to unitary or tripartite specifications; but we are increasingly coming to think and act in terms of "politics" and "administration," and to modify accordingly the actual operation of our unitary or tripartite governmental mechanisms. The best evidence of this is found in our growing impatience with the confusion of political and administrative processes. Regardless of the structure of our governmental machinery, we are beginning to demand that administration in all its phases shall be non-political. In the administration of justice this demand arose very early, in fact long before the publication of Dr. Goodnow's book; and we are now persistently extending the demand to the other phase of administration, which Goodnow termed the administration of government. Indeed this is one of the most significant developments of recent years.

In the field of city government the desire for non-political administration has manifested itself in divers ways — in the numerical reduction of elected administrative officials, in the unification and simplification of administrative machinery under a single directing head, in the introduction of the merit system, in the elimination of councilmanic participation in the appointment of administrative officials, and in the complete readjustment of political and administrative relations, as in the commission and city manager plans of municipal government. Administration, and particularly the administration of government as contrasted with administration of justice, has come to be a matter of such vital importance in the daily lives of urbanites, and has come to involve so many obviously technical problems, that "political" administration can no longer be tolerated.

The significance of administration in city government

For the city dweller efficient administration is the *sine qua non* of security, well-being, and comfort. It is the *doing* arm of government. It brings water to the tap in his bathroom, guides electric energy to the switch on his wall, paves, cleans, and lights his streets, takes away his rubbish and garbage, provides sewers for the sanitation of his home, supervises the operation and regulates the charges of street railways and motor buses, controls vehicular and pedestrian traffic, inspects and regulates all sorts of food-handling establishments, protects him from crime and wrong-doing, combats disease, operates parks, playgrounds, swimming pools, and other recreational facilities, and performs a thousand and one other services

without which his life would be fraught with distress and trouble.

When administration fails to measure up to its responsibilities, the urbanite tastes life in the raw, for he has no means of alleviating the distress and discomfort which are incident to city life when the executive arm of government is palsied and weak. If the city water supply is impure and unpalatable, his choice is to take it or leave it; if the city food inspection is lax, he can use contaminated foods or starve; if his garbage is not promptly hauled away, he must let it stand until the collectors get around to it; if public utility services are unsatisfactory and excessively expensive, he can howl, but he has to go on using them and paying for them or do without light, heat, transportation, and telephone service; if the streets are poorly paved and lighted, he can rave about it, but he cannot stay off the streets; if the police are corrupt and inefficient, he can gnash his teeth in rage, but he has to go on paying tribute to racketeers and gangsters. So the city man is coming to be greatly concerned about administration; he realizes that the problems of administration mean more to him in a direct and immediate way than the problems of politics, and furthermore that so long as administration is clean and efficient, politics, however bad, cannot do him much harm.

The major problems of administration

The major problems of administration are three in number — the problem of politico-administrative relations, the problem of administrative organization, and the problem of administrative personnel. All three of these problems are of a more of less technical character, and are therefore somewhat difficult to present in non-technical language.

Administration cannot operate in a vacuum. Because it is the doing arm of government, it must perforce have extensive and continuous contacts with the political phases of the governmental process. Administration cannot, or at least should not, exclusively prescribe its own tasks, supply its own funds, fix its own limits of power, and determine its own organization. These things impinge upon the domain of policy, and it is not the function of administration to determine policies but to carry out policies in the most businesslike and efficient manner possible. According to strict theory the general questions of what shall be done, by whom it shall be done, what sums shall be expended in doing it, and what general procedure shall be followed in doing it, fall in the province of policy

The question of politico-administrative relations

and must be dealt with through political processes; while the actual application of these general determinations to John Doe or Richard Roe, to the X company or the Y corporation, to First Avenue or Central Park is essentially a matter of administration and should be carried out by processes that are wholly administrative.

It is axiomatic, therefore, that politics and administration should not mix. Politics mixed with administration paralyzes, enfeebles, and corrupts; administration mixed with politics bewilders, deceives, and perverts. If this be true, and these processes should remain unmixed, what should be the nature of the contacts between them? The ideal is easier to state in the abstract than to achieve in reality. In a democracy everything revolves around the electoral process, which is the basis of popular control. Everything is predicated upon and finds its ultimate sanction in this basic political expedient; otherwise there can be no democracy. This means, of course, that popular control through the electoral process must extend to the administration as well as to the political organs of government, for when such is not the case administration quickly degenerates into bureaucracy. But popular control of administration should not go farther than is necessary to insure faithful and efficient execution of policies; it should not go so far as to inject politics into administration, or to obstruct or interfere with administration on any other grounds than that administration, viewed solely from the administrative standpoint, is failing in its function of carrying out policies and decisions. And, contrariwise, administration and administrative matters should not be dragged into the field of policy and determination of policy. Administration may properly furnish technical advice and assistance in connection with the political processes of government, but beyond that it should not go.

Politics and administration should not mix.

When it comes to transmuting these abstract principles into specific governmental machinery, we are plunged into the realm of controversy. Should administrative officials be elected by popular vote? "Yes," answers the ultra-democrat, "it is the only way to guarantee popular control." "No," says the exponent of scientific management, "elected officials are bound to be more influenced by political than by administrative considerations, and the result will be a deleterious mixture of politics and administration." Contemporary opinion is rapidly shifting toward the latter position except in the case of the

Controversial points in the application of this principle

chief executive. Even the stoutest devotees of efficiency and economy concede the necessity of keeping administration subject to popular control, and there are many who believe that the only way to accomplish this is to have the head of the administrative establishment elected by popular vote. But the theorists of this school are not as numerous as they once were. In Europe it is quite generally held, and the same point of view is rapidly gaining adherents in the United States, that representative control of administration is much more effective than direct control, and hence that the chief executive of the city, and perhaps other administrative officials as well, should be chosen by the city council or some other representative body elected by the voters.

1. Elected *vs.* appointed executives

This opens up another fruitful source of controversy. Assuming that the administrative establishment, through the appointment of the chief executive or other administrative functionaries, is to be subject to popular control through the medium of a representative body such as the city council, how far shall its servitude go? Shall the authority of the representative body extend to all details of administration, or shall it be restricted to barest essentials of control? There is no uniform practice. It is obvious that the representative body must have some control over administrative personnel, but under a centralized system of administrative organization its direct control may well stop with the chief executive, for through him it may readily control the remainder of the administrative staff. It is clear also that the representative body must have control over the financial operations of the administration, but whether this should include the right to control the details of financial transactions, such as fixing individual rates of compensation and sanctioning specific purchases and payments, is a much-mooted question both in theory and in practice. The better opinion favors control through a budgetary system which throws the responsibility upon the chief executive, and enables the council through him to have its financial policies carried out. It is evident, too, that the representative body must have some control over the organization of the administrative establishment, but it is doubtful whether this should go so far as to preclude any readjustment of internal administrative organization without its consent. The representative body must control the magnitude and general outlines of administrative organization in order to be able

2. How far shall representative control go?

to control both executive and financial operations, but to deprive the administrative establishment of the right to make its own intradepartmental, and even interdepartmental, readjustments is to impose a serious barrier in the way of administrative efficiency.

3. The tenure of administrative officials

Another problem that has occasioned much perplexity is the extent to which politics should determine the tenure of administrative officials. When administrative officials are elected, politics is the chief and often sole factor in such determination. This is decidedly bad and has come into general disfavor. But when administrative officials are appointed, politics may be almost as influential as in the case of popular election. If the appointment is made on a political basis and for a fixed and definite term, it is almost certain that political considerations will predominate. This explains why we are moving in the direction of appointments on the basis of merit as determined by objective tests, and tenure during good behavior. Indeed it appears that we are gradually approaching the day when, by law or custom, politics will be deprived of most of its influence upon administrative personnel except as it filters down from the necessarily politically controlled chief executive at the top.

Actual relations between politics and administration in present city government

But in city government as we actually find it today the relations between politics and administration range all the way from the indiscriminate mixing of the two, such as we see in the more chaotically organized American cities, to conscious and deliberate attempts to assign each to its proper sphere, such as we observe in some American cities under the manager plan and in the actual practice, if not the governmental forms, of many European cities. Between these extremes are more varieties of attempted adjustment of political and administrative relations than there are brands of goods in a pickle factory. There are cities in which the headship of the administrative establishment is subjected entirely to politics, but is surrounded by civil service restrictions designed to keep politics out of the subordinate administrative service; there are cities in which both the administrative head and the subordinate administrative agencies are open, in part at least, to direct political pressure; there are cities in which administration seemingly holds sway over politics; and there are cities in which politics and administration are supposedly held in a state of equipoise by a system of mutual checks and balance.

From the standpoint of the internal organization of the administrative machinery of the city several interesting and important questions must be considered. First, there is the question of centralized *vs.* decentralized organization. The trend at the present time is in the direction of extreme centralization, but there are still a great many cities where decentralized organization obtains. If we look to the form only, municipal administration in England is utterly decentralized, for there is no chief executive and each separate department and agency appears to be free to act on its own motive power. Interdepartmental coördination is accomplished, to be sure; but through the medium of extra-legal usage, and not through the definite concentration of administrative authority in a supreme administrative head. Likewise in many American cities we are struck by the absence of unity of command in the administrative system. There are numerous boards, commissions, and officers which enjoy so much independent authority that, whatever their nominal positions, they are not obliged to march, wheel, and countermarch at the command of any administrative superior. Nor is there, as in England, any effective coördination of administrative units through voluntary action. The evils incident to decentralized administration have already been discussed at considerable length. The essence of administration is, as we know, action, and decentralization begets inaction and inefficacy in municipal administration just as surely as it does in military operations. It is for this reason that modern opinion espouses the military principle of centralization in the organization of administrative machinery. This principle is dominant in the administrative structure of French and German cities, and in American cities under the strong mayor, the commission, and the manager plans. Supreme executive authority may be vested in a single individual, as in the mayor or city manager, or in a board, as in the city commission or administrative board; but it is always definitely located at the top of a hierarchical arrangement of administrative units.

Questions pertaining to the internal organization of administrative machinery

1. Centralized *vs.* decentralized organization

After the question of centralization *vs.* decentralization comes that of vertical vs. horizontal [1] groupings of administra-

2. Vertical *vs.* horizontal organization

[1] The terms "vertical" and "horizontal" have been applied to these two types of functional organization because they graphically describe the essential point of contrast between them. A "vertical" grouping occurs when a number of related functions are placed under the jurisdic-

tive functions. The vertically organized plan of administrative subdivision proceeds upon the principle that departments should be organized by grouping together activities having to do with the same ends or objects of public service. Thus all activities pertaining to police work would be grouped together and organized as a police department; and by similar groupings, departments for public health, parks, water supply, public works, education, etc., would be organized. The horizontal plan proceeds upon the principle of grouping together like ways and means of accomplishing the various ends of municipal administration. Under this plan there would be a department of personnel work, a department of legal work, a department of financial work, a department of buildings, and so on. In actual city administration neither of these two principles is consistently followed or thoroughly carried out. Some departments are constituted upon the vertical basis and others upon the horizontal basis, and without much discrimination as to their proper functional relations. In the average city we find a number of vertically organized departments — police, fire, health, recreation, public works, public utilities, and the like — and perhaps an equal number of horizontally organized departments, such as law, finance, civil service, purchasing, etc. All the vertical departments involve legal work, financial work, personnel work, and other forms of horizontal activity; and all the horizontal departments are designed to perform functions that are indispensable to the ultimate objectives of municipal administration.

Importance of proper adjustment of vertical and horizontal functions

But when the lines of cleavage between departments fail to recognize the intimate and important bearings of each of these two great classes of administrative work upon the other, disastrous results are bound to ensue. Departments constructed like water-tight compartments make excellent containers but poor conductors. The police department, let us say, gathers

tion of a department whose operations from top to bottom move in a straight line downward, and do not directly involve transactions in any other field. A "horizontal" grouping occurs when the functions placed together for departmental purposes are of such nature that they cut across the whole field of municipal work. A public health department is "vertical" in its operation because it is confined to one perpendicular line of activity which does not touch other fields, while a finance department is "horizontal" because finance is common to all kinds of administrative operation.

within its bulkheads all the activities pertaining to police administration. These necessarily involve certain legal, financial, personnel, and building operations which could be more efficiently carried on by agencies specialized to those ends. The police department is, therefore, encumbering itself with functions that are but secondarily germane to police administration, and at the same time is depriving certain of the horizontally organized departments of work that logically belongs to them. Obviously this is a situation that is pregnant with trouble. Not only is the police department likely to perform these adventitious functions less efficiently than the departments to which they properly belong, but it is likely also to devote them to such narrowly departmental purposes as to create friction and estrangement between it and other departments. Fancy, then, the condition which must ensue when parks, public health, public works, and all the other vertically organized departments, like the police department, arrogate to themselves all the work associated with the discharge of their special services. Each department will be doing its own legal work, its own personnel work, its own financial work, its own purchasing, and so forth, while the regular legal, financial, personnel, and purchasing departments will do only such work in their own fields as is not readily assignable to one of the vertically constituted departments. The result is not merely ineffective coördination of essential administrative operations, but extensive duplication of machinery and personnel, and widespread and devastating friction between departments in the use of what ought to be their common means of achievement.

The line and staff principle of organization

Only within the last decade or two have the deleterious consequences of failure to discriminate between the relations of vertical and horizontal functions and properly adjust them been recognized. We have, therefore, no large or authoritative body of thought on the subject. No city administration ever has been or ever can be organized strictly according to one principle or the other. Both are indispensable, and the problem of modern administrative science is to find a proper combination of the two. The most fruitful suggestion in this direction has come from exponents of the "line and staff" doctrine in scientific management. For many years military experts have recognized a distinction between what they call "line" functions and "staff" functions. Line functions are

those which have to do with the actual execution of military operations in the line of battle, while staff functions are those which have to do with information, planning, coördination, technical assistance. Efficiency engineers contend that the same distinction obtains in civil administration, and that it is not only possible but desirable to organize the administrative machinery of the city according to the line and staff principle. Under the chief executive, who corresponds to the commander of an army, they would have one group of departments for line functions and another set of departments for staff functions. The line departments could be confined to the ends of city government — the actual operations on the battle line — while the staff departments would be preoccupied with the means of achieving those ends. The staff departments would deal with such things as research, law, finance, personnel, records, planning, and engineering; and in so doing would inform, advise, aid, and coördinate the line departments. The line departments would not of course take orders from the staff departments; orders would come only from the chief executive. But the chief executive would undoubtedly lean heavily upon the staff departments for information and technical advice, and possibly would employ them as agencies for the better correlation and articulation of line activities.

Trends in direction of line and staff organization

Such, in brief, is the theory of the line and staff plan of administrative organization. No city has adopted it *in toto*, but there is a marked tendency, as cities revamp their administrative machinery, to follow it to some extent. Finance departments and especially budget bureaus and purchasing departments are being very generally placed in the position of staff agencies. The same thing is true, though perhaps to a lesser extent, of civil service commissions, law departments, and engineering departments. The need for unity of thought and action in these particular phases of municipal administration is too patent to be ignored. Undoubtedly the increasing force of the demand for economy, not to mention efficiency — that is secondary in the public mind — will bring further progress in the same direction.

Considerations governing departmentalization

The departmentalization of the administrative machinery is simply a convenient expedient for the division of labor. An Argus-eyed and omnicompetent chief executive would find it easier to direct the operations of administration without departmental divisions than with them. But most chief

executives lack the supreme capacity for detail and unlimited working strength which non-departmentalized administration would involve; they must delegate their responsibilities and divide their labors. The simplest and easiest way to do this is to set up an organization responsible for each major branch of the city administration and place at the head of it an official or board directly responsible to the chief executive. The number and structure of these major units, or departments, of administrative organization will depend of course upon the size of the city and the volume and character of its administrative operations. There is no orthodox plan of departmentalization. A city that owns and operates public utilities of any kind will require departments that non-utility-owning cities do not; a seaboard city will require departments and services not needed in an inland city; a small city may combine several services in a single department, whereas the same identical combination would be impracticable in a large city; and so on indefinitely. Similar considerations must govern in subdividing departments into lesser units such as bureaus and divisions. In actual practice the number of administrative departments varies from three, which is the common number in many of the smaller cities, to upwards of thirty or even forty in the great metropolitan centers. Bureaus and divisions vary in number to about the same degree.

Cities with decentralized administrative systems do not exhibit such regularity of departmental organization. Department heads are not uniformly responsible to the chief executive, but are often directly responsible either to the people or to the city council. Functions are not distributed among departments according to administrative principle so much as according to political expediency, and bureaus and divisions are established on somewhat the same basis. But decentralized administration is in disrepute and is rapidly passing away.

The problem of interdepartmental relations

One of the most vexing difficulties in the process of administration is that of interdepartmental relations. One of the cardinal weaknesses of decentralized administration is the fact that the several departments are so detached and disconnected that they do not maintain those contacts and do not achieve that degree of interdepartmental coördination which are requisite for efficient administration. In centralized administration, however, there is at least one organic bond between the several de-

partments, and that is found in their common responsibility to the chief executive. It is common practice for the department heads to meet regularly with the chief executive as a cabinet or executive council, and through this relation to thresh out and adjust many interdepartmental problems. Unfortunately, in most cases, this contact occurs only at the top, and below the department heads the several departments remain completely insulated from one another. But there are many matters of interdepartmental concern which can be better adjusted through contacts between subordinate functionaries of different departments than through what might be called cabinet channels. No generally accepted plan for meeting this need has been evolved, but several expedients deserve mention. Wise executives now generally recognize the value of interdepartmental conferences, and particularly of unofficial conferences in which the utmost freedom of speech or action obtains. Conferences, for example, of the financial officers of several different departments, or of engineering or law officers, may achieve understandings and agree upon programs of action which will enormously lighten the burden of the chief executive and his department heads and at the same time promote interdepartmental harmony and coöperation. Such conferences are now encouraged and facilitated by prudent executives. Of somewhat the same character, but less flexible in structure, are *ex officio* and advisory boards made up of representatives of different departments. The *ex officio* board is usually a body empowered to take definitive action with reference to certain matters, such for example as the granting of licenses, the investment of sinking funds, and discipline of employees. The advisory board, on the contrary, though official in character, exercises only powers of recommendation and suggestion.

External contacts

One further problem of internal administrative organization which deserves brief consideration before we leave that subject is the matter of direct contacts and relations between the administration, the representative body, and the general public. This matter has received scant attention in the United States, but in European cities it has been deemed a matter of considerable importance. In German cities there are special bodies known as joint commissions (*Deputationen*), one for each administrative department. Each joint commission is made up of a paid magistrate, one or more unpaid magistrates, several members of the council, and a number of private citizens ap-

pointed by the burgomaster. Though these bodies have no final powers, they are at liberty to consider and discuss all matters of departmental policy. Bringing together as they do spokesmen of the administration, of the representative branch of government, and of the general citizenry, they tend to develop sympathy and understanding between these different governmental forces and to counteract the excesses of both politics and administration. In French cities the adjoints, who are members of the council, serve not only as administrative assistants of the mayor, but also as councilmanic observers of administration in action. In English cities the committee system has developed in such a way as to constitute a bridge between the policy-determining side of government and the inner processes of administration. In the United States councilmanic committees as a rule have little direct contact with the daily and minute routine of administration, and no special machinery has been developed, as in Germany and France, for bringing bureaucracy and democracy together on common ground. Feeble attempts have been made in a few recent city charters to open the way for the creation of advisory boards of citizens to consult and coöperate with the different departments and bureaus, but nothing has ever come of it.

The problem of administrative personnel

We come now to the third major problem of administration, namely, the problem of administrative personnel. No automobile was ever made so perfect that an incompetent driver could not ruin it. Likewise no system of administration was ever so perfectly organized that incompetent civil servants could not bring it to grief. It is by human agencies that all systems of organization must be subjected to the acid test of performance; and if the human agencies are unequal to the task of operating the machine or are wilfully determined to misuse it, there is no alternative but disaster. So we may conclude without hesitation that personnel is absolutely vital to efficient administration.

The personnel problem involves several distinct phases of personnel administration, the most important being the selection, the management, the compensation, and the retirement of civil servants. Each of these will now be considered at some length.

In personnel matters the beginning of all things is the induction of officials and employees into the administrative service of the city. There are just two methods of induction, one of

which we shall call the political system and the other the merit system. Under the political system positions in the administrative service are filled on the basis of political influence and qualification. The incumbents may be elected or appointed, but in either case the governing considerations are political. Under the merit system positions are filled by appointment on the basis of merit as evidenced by some sort of objective test or examination. We need not dwell at length upon the political system. Every American is thoroughly familiar with it. Its foundation principle is that the spoils of office belong to the victors in political warfare, and that jobs should be given or withheld as political rewards or punishments. Every change of political control sweeps out of office hundreds or thousands of civil servants belonging to previous régimes and sweeps in hordes of office-hungry patriots whose chief qualification is their adhesion to the ranks of the dominant political party.

Induction into the municipal service

The political *vs.* the merit system of induction

The glaring evils incident to the political system have resulted in its general reprobation and repudiation. It has few defenders today, although it still has many ardent practitioners. The merit system has almost entirely supplanted it in English, French, and German cities. In the United States its vogue is on the decline. In some form and to some extent the merit system has been introduced in upwards of 330 American cities, including practically all the larger cities of the country. In discussing the merit system we are, therefore, dealing with the personnel problem as it presents itself in contemporary city government.

The merit system as applied in the United States rests upon two foundations: first, a body of legislation forbidding political appointments, providing for appointments on the basis of merit, and protecting civil servants so appointed from political interference; and, second, a system of administrative machinery for carrying out the provisions of the civil service laws. We shall address ourselves first to the machinery of the merit system. Virtually all civil service laws vest the administration of the merit system in a civil service commission of three members. This body, since it is responsible for such things as classifications, examinations, certifications for appointment, rules, and discipline, holds the key to the success or failure of the merit system. If the civil service commission is determined to make the merit system succeed, it will succeed despite defects in the law; and if, on the contrary, the civil service commission is de-

The foundations of the merit system

termined to bend the merit system to the uses of "practical" politics, it can do so in face of the most perfect civil service legislation ever put upon the statute books. It is plain, then, that the character of the civil service commission is a matter of commanding importance.

Problems relating to the civil service commission

What are the factors affecting the character of the civil service commission? The most immediately influential is undoubtedly the mode of selection. The commonest method is appointment by the mayor of the city, either with or without councilmanic confirmation. Mayors and councils, being chosen by political processes, are deeply influenced by political considerations and therefore generally make political choices in appointing civil service commissioners. There is no way of preventing this and at the same time leaving any discretion with the appointing officials. It has been proposed that civil service commissioners should themselves be subjected to the merit system, the mayor being permitted to nominate only the person achieving the highest grade in a rigid examination. This possibly would put a stop to political appointments of the civil service commissioners, but it would also limit the mayor's appointing power to the ministerial function of executing the official commission of appointment, which is a result that no legislature or charter-making body has been willing to contemplate. Less common than appointment by the mayor, as methods of choosing civil service commissioners, are appointment by the council and election by popular vote. These methods of choice are even more congenial to political selections than appointment by the mayor, and such is the usual result.

Spoils influences may demoralize the civil service commission.

With a civil service commission made up of persons appointed under spoils influences, how can there be any hope of faithful adherence to merit principles? The provisions of the law may approximate the ideal, but they are not in the hands of friends. Clever manipulation by a commission hostile to merit principles can largely reverse the operation of the law. To prevent such abuses many proposals have been advanced. Some have suggested doing away with the civil service commission entirely and placing the administration of the merit system in the hands of a director of personnel chosen in some non-political way. One argument against this is the contention that the personnel department should be under the control of the authorities (mayor or council) who are politically responsible for administration in order that they may not be able to excuse their

failure to get results by the claim of ineffective coöperation in the administrative establishment.

Proposals for improving character of civil service commission

The trouble with this argument is its assumption that the members of the administrative establishment would possibly be political antagonists of the party in power, whereas if the merit system were faithfully carried out, they would be proficient technicians ready to carry out policies for any party which might come into power. A much more serious objection is found in the fact that personnel administration involves certain quasi-legislative and quasi-judicial activities, such as formulating rules and conducting hearings, and that these duties cannot be performed by a single director of personnel who is himself a member of the permanent civil service. This objection is met by a most interesting proposal put forward in 1922 by the committee on civil service of the Governmental Research Conference. The substance of this proposal was that there should be a civil service commission of three members for the legislative and judicial phases of personnel administration, but that the purely executive phases of the work should be assigned exclusively to the chairman of the commission. The chairman would be a full-time director of personnel appointed through the competitive examination system. The other two members of the board would serve in a representative capacity and on a part-time basis. One of them would be appointed by the mayor or other executive head of the city, and the other would be elected by the employees in the classified service of the city. At a special election on February 8, 1927, the voters of Cleveland turned down a charter amendment which would have remodelled the municipal civil service commission somewhat along the lines proposed by the Governmental Research Conference. This proposal provided for a civil service department headed by a director appointed by the city manager, and for two associate commissioners, one to be appointed by the president of the board of education and the other by the probate judge, to sit with the director in adopting rules and hearing appeals. Though this proposed amendment was by no means as revolutionary as the proposal of the Governmental Research Conference, it was too advanced for the voters of Cleveland despite their well-known predilection for governmental reform.

The bipartisan requirement

Though the method of selection is undoubtedly the most influential factor in determining the political or non-political character of the civil service commission, other factors should

not be overlooked. Most cities require that the civil service commission shall be bipartisan. The object of this is to prevent the commission from falling entirely into the hands of one political party, and to give the minority party a voice in civil service administration. It does accomplish these results, but it also means that partisanship must be one of the first considerations in making appointments to the civil service commission, for it is impossible to observe the bipartisan requirement without making appointments on the basis of partisanship. The tenure of office of members of the civil service commission may also have some influence upon the political complexion of the commission. When the official terms are coextensive with that of the appointing authority, it is almost certain that every change in political control of the council or the office of mayor will bring a renovation of the civil service commission, and that such changes will be actuated by political motives. On the other hand, when the terms of civil service commissioners rotate so that vacancies occur one at a time in alternate years, it frequently happens that two commissioners are appointed under previous régimes as against one appointed by the present régime, and this leads to political strife between the civil service commission and the chief executive.

State administration of municipal civil service laws

In Massachusetts and New Jersey the state civil service commission administers both state and municipal civil service laws. Though this arrangement does not eliminate politics from municipal civil service, it reduces the influence of local politics and gives the civil service authorities greater independence in dealing with local situations. Unfortunately, however, it has sometimes had the effect of injecting state politics into local affairs and local politics into state affairs. Moreover it has at times furnished a convenient alibi for local politicians, who are ever ready to shift responsibility to state authorities when opportunity presents itself. In Ohio the state civil service commission is supposed to exercise some supervision over the local civil service commissions, but the results of this supervision have not materially improved municipal civil service administration.

Suggested means of securing non-political civil service administration

We have already discussed some of the reforms which have been advocated as means of securing non-political civil service commissions, and we might mention a great many more. It has been suggested that civil service commissioners be appointed by the courts; but we cannot be so certain of the non-

political character of the courts as to place great reliance in this expedient. Another suggestion is that the state civil service commission shall appoint municipal civil service commissioners, preferably by competitive examination. The success of this device would depend, of course, upon the character of the state civil service body, and of that we cannot be sure. It has also been proposed that municipal civil service commissioners be chosen by a special examining board composed of prominent citizens not connected with the city government. But just how politics can be kept out of such examining boards does not clearly appear in the proposal. Still another proposal frequently made in one form or another is that civil service commissioners be chosen by competitive examination. There is no gainsaying the merits of competitive examinations; but experience has shown that no system of competitive examinations is completely proof against political assaults. In truth, although some of these proposed reforms may be superior to the others, there is not much probability that any of them would guarantee a non-political civil service commission so long as public opinion remains wedded to the spoils idea. It will clarify our thinking and enhance our understanding of the difficulties of civil service administration if we recognize this indisputable fact.

Let us now direct our attention to the salient principles of the merit system, which it is the duty of the civil service commission to carry into execution. These may be summarized as follows: (1) civil servants whose duties are non-political to be appointed on the basis of merit as disclosed by objective examinations and tests; (2) civil servants so appointed to enjoy permanent tenure, and not to be subject to removal for political reasons; (3) civil servants on permanent appointment not to be subject to discrimination, interference, or mistreatment for political reasons, not to be obliged to perform political services, and not themselves to engage in political activities.

The principal tasks of the civil service commission

To carry out these principles it is necessary at the outset to determine which positions in the municipal service are to be placed under the protecting aegis of the merit system and which are not. This is accomplished by a procedure known as classification. The municipal service is divided into two great classes or services, which are commonly termed the classified service and the unclassified service. All the positions which are to be filled by merit tests and safeguarded from political uses

The problem of classification.

are placed in the classified service; all others go into the unclassified service. The civil service law itself usually attempts to differentiate in a general way between the two services, and always exempts certain positions from the classified service. These include as a rule officers elected by the people, judicial officers, chief executives, heads of departments, confidential secretaries and assistants, persons employed on contract to perform special services, and temporary employees. It is seldom practicable, however, for the law to undertake an exhaustive enumeration of the positions which are to be placed in the classified service; so it contents itself with a partial enumeration and a sweeping definition of the types of positions to be included, and leaves to the civil service commission — in some cases to the council or mayor — the duty of deciding in specific cases whether a job shall be in the classified or the unclassified service.

Abuses connected with classification

Politics, the heavy villain in the piece, now stalks across the stage again. Where discretion is vested lies freedom of action. Since the law cannot enumerate every position or specially mention every type of position to be included in the classified service, and since, therefore, the civil service commission or some other authority has to be given freedom to decide in cases not explicitly covered by the law, there is abundant opportunity to use the power of classification for political purposes. Jobs not mentioned in the law are not placed in the classified service unless the classifying authority (usually the civil service commission) so decrees; newly created jobs are not classified unless the classifying authority desires it; instead of filling vacancies by permanent appointment the civil service commission may authorize a temporary appointment and thus take the position out of the classified service. The foregoing are some of the methods by which a civil service commission prompted by political motives may undermine the merit principle at the very outset. In cases too numerous to mention political henchmen have been placed on the city payroll and kept there for months and years by the device of temporary appointments periodically renewed by the civil service commission. There are many cases where, in order to provide places for spoilsmen, the commission has refused to classify positions manifestly belonging in the classified service, and because of the discretionary character of the duty the commission could not be compelled to do so by judicial mandate. Politically disposed commissions have also

been able to remove positions from the classified service. If it seemed inexpedient, or the commission lacked the power to transfer them directly to the unclassified service, there were ways of smuggling them out of the classified service, as by changing titles and thus ostensibly creating a new position not covered by classified service.

Competitive and non-competitive positions

The reason for applying the term "classified service" to the positions under the merit system is that the civil service commission is supposed to group these positions according to their respective duties and responsibilities, and classes, grades, or ranks are to be used as bases for differentiation in examination procedure, rates of compensation, pension allowances, etc. This power of classification also gives the commission a chance to play politics. All positions in the classified service are required to be filled by means of examinations or tests, but there are two types of examination — competitive and non-competitive. The competitive method of examination is the ideal method, for all candidates take the same examination, are graded on the same basis, and the candidate making the highest grade wins the appointment. But competitive examinations are not practicable in all cases. It is difficult to prescribe a satisfactory competitive examination for common laborers who need no special intelligence or education, and also for positions calling for certain qualities of personal judgment which cannot be measured by examinations. It is the practice, therefore, to allow the civil service commission considerable leeway in exempting positions from the requirement of competitive examinations. These non-competitive, or exempt, positions are filled by examination, but the commission is free to examine the candidates by such methods as it deems appropriate. It is not obliged to give the same examination to all candidates, to rate all on the same basis, or to prefer those making the highest grades. What more could a commission of politicians want? By placing as many positions as possible in the non-competitive group and administering examinations with an eye to political favoritism it is not difficult to take care of their political friends. Another possibility of political thimblerigging through classification is found in the ability of the commission to establish special grades and classes for compensation purposes in such a way as to reward friends and punish enemies.

One of the biggest tasks of the civil service commission,

and one of the biggest problems in public personnel management, is that of examinations. Whether competitive or noncompetitive in character, the value of civil service examinations as expedients for screening out the unfit and protecting the public service against the spoils system depends entirely upon the integrity of the civil service commission. With the preparation and conduct of the examinations, the grading and rating of the candidates, the keeping of the records, and all other matters pertaining to the examination system in the hands of the civil service commission and its staff of secretaries and examiners, there is no limit to the possibilities of deviation from the line of strict impartiality in the interest of favored candidates. It is impossible to construct a barbed wire entanglement of legal prohibitions capable of curbing a civil service body bent on prostituting the examination system to political uses. Questions can be prepared to favor the known weaknesses of certain candidates, grades may be arbitrarily given without reference to performance in examinations, records may be falsified or tampered with, and personation and other forms of fraud and cheating connived at.

The problem of examinations

But the examination problem involves some perplexing questions, even when the civil service commission endeavors to administer the law in strict keeping with its spirit and purpose. Selective tests have both a negative and a positive purpose. The negative purpose is accomplished if they are so designed and administered as to afford adequate protection against the demoralization of the civil service by the recurrent raids of political spoilsmen; but the positive purpose is not accomplished unless and until the selective tests operate in such a way as to recruit for the service of the city the persons best qualified by temperament, personality, education, training, experience, physical ability, and moral character to perform the manifold tasks of municipal administration. In other words, instead of being merely *rejective,* the tests used should be truly and highly *selective.*

Purposes and methods of civil service examinations

Until recent years not much attention has been paid to the positive side of the examination problem. Examinations were conceived and administered as rough and ready means of weeding out the conspicuously unfit. Written examinations were largely academic in character, and physical examinations were designed merely to disclose the existence of organic defects. A candidate for the police force of New York City in 1900

The old type of examination

was required to be able to spell such words as naphtha, dissolution, lustrous, raiment, and battle-axe; to solve simple problems in addition, subtraction, multiplication, and division; to display a certain capacity for memorizing sentences; to show a certain knowledge of the geography of the city and the rules and regulations of the department; and to pass a physical examination which would show the extent of his muscular development and reveal his most potent physical defects. It was not a very stiff examination, but it was sufficient to exclude cripples, weaklings, illiterates, and blockheads.

The new type of examination

That type of examination is no longer considered adequate. It may be important for a policeman to know how to spell and figure, to be able to memorize verbal formulas, to know something about the layout of the city and the rules of the department, and to have a strong and sound physique; but it is more important that he should be a person of highly developed self-control and presence of mind, of good common-sense and well-trained faculty of observation, and of considerable athletic ability. These latter qualifications are not revealed or measured by the old type of formal examination, and the same thing is true not only of police examinations but of the older methods of examinations as applied to all branches of the civil service. There are important qualifications for practically every job on the city payroll that cannot be discovered by examinations which stress literacy, information, and physical soundness. Progressive civil service departments are therefore resorting to various expedients to supplement, if not displace, the older methods of examination. Some civil service commissions place great reliance upon so-called practical examinations, which require the candidate to perform practical tasks or answer questions of technical character. Oral examinations are also being widely used, it being felt that oral examinations are particularly helpful in throwing light upon the candidate's personality and other intangible characteristics. Physical examinations are being supplemented by athletic tests and various other expedients for determining mental and muscular coördination. And a few civil service commissions are experimenting with psychiatric tests, intelligence tests, and various other contributions of modern psychology to the science of mental measurement and character determination. All these newer forms of examination have their limitations, and many of them have not been sufficiently used for their value

to be fully known; but the fact that their need is felt is an indication of the inadequacy of the older system of examinations and of the complexity of the problem of devising examinations that will really disclose the most important qualifications and disqualifications of the candidate.

Character examination is of paramount importance in the problem of selection. In the past this has been a very perfunctory matter, and in many places it still is. The applicant is required to give references who will vouch for his character. Naturally he names as references persons who will, he thinks, say good things about him and give him the benefit of every doubt. The examination rarely goes beyond these references, and sometimes the examiners do not even take the trouble to communicate with the references submitted. But character is too important a thing to be passed over in such a superficial way. Many persons have the mental and physical ability to make excellent public servants, but not the moral fiber to stand the strain of trust and responsibility. The only way to sift out this undesirable material is to follow the practice of modern business institutions and conduct an exhaustive character investigation as a prelude to appointment. Such an investigation involves not merely the consultation of references supplied by the applicant, but an inquiry into his employment history and social relations extending back many years.

Character examination

Of course it is impossible to perfect a system of examinations that will preclude all mistakes. All things human have a margin of error. For this reason civil service laws commonly provide for probationary appointments for a period of six months or a year after the candidate has successfully negotiated the examination. This affords an additional opportunity to sift out the unfit. If full advantage were taken of this opportunity, the probationary period would be an exceedingly valuable means of testing the abilities of the man on the job. As it works, however, in all too many cases the probationer whose chief sin is inefficiency and who commits no flagrant violations of rules will survive the probationary period without difficulty and secure a permanent appointment. To make proper use of the probationary period the commission should not only keep the probationer under close observation but should subject him to frequent tests to determine his mastery of the job and should compile a detailed record of his per-

The probation period

formance. On the basis of his showing under this searching scrutiny his permanent appointment should be determined.

Training for public service

The question of provisional appointments naturally suggests the need of training for public service. Some kinds of municipal service cannot be properly prepared for in non-official life, and in all branches of public service some degree of special education and training in advance of appointment would be advantageous. In the case of the police and fire departments the need for special training is so obvious and so urgent that virtually all the larger cities have established training schools for policemen and firemen, and require all candidates to pass the work given in these schools before permanent appointment. It is not practicable, however, to maintain such special schools for all branches of the city service, although the need exists. From the standpoint of educational administration and curriculum-building there is no sound reason why training for municipal service could not be provided through the public school system. It would not be difficult or particularly expensive to offer courses in public high schools and colleges in direct preparation for municipal service. But municipal service in the United States offers so precarious and limited a career that there is no real demand for such education and no justification in spending public money on it. If the time ever comes when a young person entering municipal service can look forward to progressive advancement which will open up to him not only the best jobs in the civil service of his own city but in the administrative services of the major cities of the country, there will be no difficulty in getting the schools to provide special training for public service. The schools will be quite unable to resist the demand.

The importance of employment management

Careful and scientific selection of employees does not necessarily insure efficient administration. Political interference, discontent and dissatisfaction on account of compensation or other working arrangements, laxity of discipline, and similar conditions resulting from defective management may destroy the morale and impair the efficiency of the best body of employees that scientific selection can produce. Nor can these matters be anticipated and guarded against by detailed provisions in the civil service law. So much depends upon imponderable factors and changing conditions that the solution of these difficulties must be left largely to the civil service commission to be worked out through its rule-making power.

Take, for example, such an apparently simple matter as promotions. Political or personal favoritism or any other manifestly unfair method of making promotions may utterly wreck the morale of the administrative personnel. But how can such a result be avoided? If promotions are made on the basis of seniority alone, as is not infrequently the rule, it is not efficiency that is rewarded so much as it is longevity, patient waiting for one's turn, and perhaps inability to get a better job elsewhere. But seniority cannot be entirely ignored, because there is a strong feeling among all classes of employees, whether in private or public service, that length of service should be rewarded for its own sake. If promotions are made on the basis of special examinations to determine fitness, as is done very often in connection with technical employment, the appropriateness and fairness of the examination are always open to question, and there is the further objection that the promotion may be made without taking account of the past records of the employees concerned. If promotions are made on recommendation of superior officers, complaints will always be heard to the effect that preference is given to personal or political "pets." And, finally, if promotions are made on the basis of efficiency records and ratings, it is invariably said that these are not fairly compiled and would be no indication of fitness for promotion if they were.

Promotions

Good practice in promotional procedure favors a combination of these bases of promotion. Candidates for promotion are rated on the scale of 100, and certain weights — 15, 20, 25, 20, 15, 5, for example — are allowed for each of the recognized factors. The composite grade, on which promotion is based, represents superiority not in a single particular, but in several, and thus tends to disarm criticism.

Sound promotional procedure

Discipline is another problem of importance in civil service administration. Employees in the classified service enjoy permanent tenure, and are protected against removal or any less severe form of discipline on political grounds. The civil service laws permit discipline's going even to the extreme of removal if good cause be shown and provided that the employee be given an opportunity to defend himself against the charges made. Curiously enough, it is precisely this attempt to reconcile effective discipline with adequate security that gives rise to most of the trouble. Give the executive heads complete freedom in administering discipline, and there is no assurance

Discipline

that the power will not be abused for political ends; give the classified employees complete freedom from the rigors of discipline, and they will descend to the lowest levels of indolence and sloth. Try to avoid both of these extremes by a compromise which allows the imposition of disciplining penalties for good and sufficient cause, and the disciplinary process is enveloped in reels of red tape. Provisional power of discipline is all that can be given to executive heads; they can suspend, demote, transfer, fine, curtail privileges, etc., subject to confirmation by some authority which must decide whether there was justifiable cause for the action. This power of review is generally given to the civil service commission. Disciplinary procedure thus takes the form of a judicial trial with all the attendant complications, technicalities, delays, and uncertainties. Such procedure cannot be very vigorous at best, and in the hands of an unscrupulous civil body it may be degraded into a carnival of political chicanery. The following cases, taken from the police records of one of the larger American cities during the last few years, vividly illustrate the dangers referred to in the preceding sentence:

Examples of lax disciplinary procedure

(1) W. B., patrolman. Dismissed by the director on July 22, 1924, for conduct unbecoming to an officer. In the testimony before the director W. B. admitted that he and another patrolman (W. C. W.) while in their car had picked up two young women on the street and, under the pretense of giving them protection against young men who were annoying them, and of taking them home, had taken them out into the country. The two police officers were charged with attempted rape. W. B. through his attorney appealed to the commission, which on August 4, 1924, affirmed the decision of the director. But in July 1925, nearly a year later, on request of his attorney, the case was reopened, and without any additional evidence, the commission voted to reverse its action, set aside the decision of the director, and ordered W. B. reinstated to his position as patrolman.

(2) J. P., patrolman. Dismissed by the director on May 2, 1924, for wilful disobedience of orders of superior officer, and intoxication while on duty and in uniform. His record in the department is unusually bad. He has been up on charges eleven times before, for assaulting prisoners, making false reports, failing to appear in court, taking raided liquor, trying to collect fees, assaulting a citizen, etc. He appealed through his attorney to the civil service commission, which on May 26, 1924, sustained the director. J. P., through his attorney later appealed to the commission which reversed its deci-

sion of May, 1924, and reinstated J. P. to his position as of February 1, 1925.

Since that date J. P. has again been suspended for sleeping while on duty, was fined all of his vacations until May 1, 1926, suspended without pay for eight days, transferred, and compelled to file a written resignation to take effect if he violated any rules up to May 1, 1926.

(3) J. M. K., patrolman. Dismissed by director on Feb. 3, 1925, for intoxication while on duty and in uniform. His previous record showed six previous charges against him; neglect of duty, intoxication, making false reports, absence from post of duty, and other violations of the rules of the department. K. appealed to the civil service commission which, on Feb. 4, 1925, reversed the decision of the director, suspended K. for twelve days, and ordered him reinstated to his position as patrolman.

(4) A. J. C., patrolman. Dismissed by director on March 21, 1925, for intoxication while on duty and in uniform. His previous record showed eight previous charges against him: permitting prisoner to escape, making false report, assaulting prisoner, intoxication, absence from post of duty, and other violations. C. appealed to the commission which, on April 6, 1925, found him guilty but reinstated him to his position as patrolman.

The remedy? There is really none to suggest. "Discipline . . . involves a delicate balance between unrestricted executive authority and impregnable safeguards to employees. Both extremes are dangerous, the latter quite as much as the former. Perhaps the chief hope of betterment lies in the fact that the extension of the merit system to the higher positions in the service will make the former less dangerous and the latter less necessary." [2] It is possible of course to have executives who may be entrusted with unrestrained disciplinary authority, and likewise to have civil service commissions that will not abuse the power of review, but these things will not be possible so long as the people are willing to tolerate and condone politics in administration.

Records and ratings

Of late years service records and ratings have received considerable attention from students of personnel administration. Service records may be of great value in connection with questions of promotion, discipline, and compensation. Nothing can better testify to an employee's fitness for promotion, his right to a salary increase, or his deserts as to discipline than the record of his behavior and efficiency while in the service,

[2] Maxey, *An Outline of Municipal Government*, p. 109.

provided it is a complete record emphasizing both credits and demerits. This is not the place to discuss the technicalities of service rating; but it may be pointed out in passing that the purpose of keeping a record of an employee's service and of attempting to rate him as compared to other employees is to accumulate a body of more or less objective information about him, which may be used as a basis for administering rewards and punishments. Of what, then, should such a record consist? The civil service commission of New York City has evolved a system which is admirable in many respects. This system recognizes five factors in rating employees: (1) quantity of work, (2) quality of work, (3) personality, (4) unexcused tardiness or absence, and (5) misconduct. Of these factors the first three are taken as the basis for positive rating, a weight of 44 per cent being given for quantity of work, 44 per cent likewise for quality, and 12 per cent for personality. Normal performance, however, is placed somewhat below these maximum weights, being 35 per cent in the cases of quantity and quality and 10 per cent in the case of personality. The rating of each employee is expressed in percentages on the scale of 100 by adding together the employee's score for each of the three factors described above. Deductions of not less than 1 per cent and not more than 10 per cent may be made for each act of misconduct or for each case of unexcused tardiness or absence.

The compensation problem

From the standpoint of both taxpayers and employees no other problem in personnel management approaches in importance that of compensation. The taxpayer does not favor overgenerous salaries for municipal functionaries, and with reason. Fully half, and sometimes more, of the city's annual expenditures goes for the compensation of employees. But no intelligent taxpayer wants to sacrifice indispensable services on the altar of economy. He is willing to pay what is necessary and fair to procure the desired service, but wants to be sure he is not paying more than that. The employee's concern about the compensation question is also self centered. Like all human beings he wants as much as he can get, but he is primarily interested in two things: (1) a decent living wage, and (2) a wage that is fair as compared with what others are getting for the same work. But there is no necessary antagonism between the interests of the taxpayer and the employee, diverse though they may be. It is quite probable, in fact, that

they could readily agree upon the principles which should govern the compensation of municipal employees.

In the first place they would agree upon the principle of a living wage, and this should be determined not merely by the cost of subsistence but by the standard of living required. All municipal employees are entitled to compensation enough to make adequate provision for the necessities; but a department head obviously must have more than a day laborer, because the standard of living required of him is such that his necessities are greater. It is quite probable, in the second place, that both taxpayer and employee would agree that in adjusting rates of compensation above the minimum required for a living wage the following factors should govern: (1) the nature of the work, (2) the rates paid by private employers, and by other cities for similar work, (3) and the rates paid for similar work in other branches and departments of the same city.

The rate of compensation

It is obvious that work which calls for extensive education, technical training, and experience must be compensated at higher rates than work that can be done by an untrained and inexperienced person, and also that work of an especially hazardous or arduous character must be favored over less difficult work. It is likewise clear that the rates paid in public service must approximate the rates paid in private employment for the same or similar work; otherwise the city will not be able to hold its most valuable employees. This does not mean that the city must compete with private employers by offering equal or better compensation; there are generally certain advantages in the permanent civil service — security, continuity of employment, absence of high-pressure methods — which offset the higher pay in private employment and warrant the city in offering somewhat less than private employers are obliged to pay. It is also necessary to take some account of what other cities are doing, for, although there is not a great deal of competition between cities in employment matters, striking discrepancies between different cities of the same rank in rates of compensation for the same work often breed discontent. The third controlling factor, as outlined above, is that similar work should be similarly compensated in all branches of the city government. There is no justification in paying stenographers more or less in one office or department than in another, and the same is true of all other

Controlling factors in fixing rates of compensation

classes of employees. The same work should receive the same pay wherever it may be done.

Examples of bad practice in compensation

With general acceptance of these simple, equitable, and easily applicable principles of compensation, it would seem that there should be no compensation problem at all. But there is, and in most cities it is very complicated. City councils create jobs, define their duties, and fix rates of compensation either in ignorance or disregard of these principles. Grotesque and palpably unjust anomalies are not only permitted but actually encouraged. Organized labor is sometimes allowed to intimidate the council into raising the compensation of unionized employees above the non-union employees who are doing more difficult and more valuable work. Employees in politically controlled offices are generally favored as compared with employees doing the same kind of work in offices in the classified service. Exempt positions are dealt with more generously than competitive positions. Salary schedules are fixed according to the political strength of the employees concerned. Unnecessary jobs and excessive rates of compensation are mutiplied as political exigencies dictate. A survey of compensation conditions in the city of Newark, New Jersey, a few years ago brought out the following facts: cuspidor cleaners were paid $1200 a year, nurses $900; elevator attendants received $1200 a year, hygiene teachers $900; window cleaners got $1200 a year, rodmen $1104; clerks in the department of public affairs were paid from $924 to $2200 a year, in the department of parks from $1100 to $2100, in the city clerk's office from $2100 to $3500, in the water bureau from $1212 to $1800; the range of average salary increase was from 18.5% in the department of revenue and finance to 32.6% in the department of public safety; clerks were given the title of draftsmen and paid the draftsmen's salary for clerical work. Newark has not been selected as a horrible example. The conditions found there were not unusually bad but typical of conditions as they exist in practically every large city.

Standardization the remedy

The remedy for these and all similar conditions lies in the adoption of a comprehensive and scientific compensation program bottomed upon complete and consistent standardization of jobs and compensation rates. It is unfortunate that standardizationists have seen fit to clothe their ideas in technical verbiage which has so obscured the meaning of the standardization movement that it has not caught the popular

ear. The general procedure of standardization is substantially as follows:

1. A careful analysis of every job in the administrative service is made to ascertain the real character of its duties.

2. All jobs of like character are grouped together for compensation purposes.

3. A careful study of rates of compensation is made for the purpose of arriving at scientific conclusions as to the rates which should prevail for each distinct kind of service or type of job.

4. On the basis of the foregoing studies there is developed a standard classification of jobs and compensation rates to be followed in all branches and departments of the city administration. By such a classification all clerical jobs are classed together, all professional jobs, all engineering jobs, all custodial jobs, all skilled trades, all common labor, and so on throughout the entire service. In each class various sub-classes are recognized as differences appear in the nature of the work. To illustrate, in the clerical service there might be an arrangement like this:

An illustration

Clerical service (class)

Office assistant (group)

Errand boy (grade)
Senior (rank)
Junior (rank)

Telephone operator (grade)
Senior (rank)
Junior (rank)

Typist (group)

Copyist (grade)
Senior (rank)
Junior (rank)

Mimeograph operator (grade)
Senior (rank)
Junior (rank)

Stenographer (group)

General (grade)
Senior (rank)
Junior (rank)

Private secretary (grade)
Senior (rank)
Junior (rank)

Bookkeeper (group)

General (grade)
Senior (rank)
Junior (rank)

Cashier

Special accountant

Following this classification a standard scale of salaries based upon work values could be evolved. A junior copyist, let us say, would be given a salary range of $800 to $1200 a year. That would mean that junior copyists in every office in the city government would start at $800 a year and might in course of time be advanced to $1200 a year. But beyond $1200 no junior typist could go. To get a further increase in salary promotion would be necessary to a higher rank, grade, or group. The same principles would apply throughout the entire clerical class and throughout all other classes of service.

Such standardization of employments and salaries does not constitute a positive guarantee of equitable and economical compensation arrangements, but it is certainly an invaluable means to that end. Furthermore, as can be readily observed, such classification is useful in adjusting salary increases on a sound and fair basis, in regulating promotions, and in administering discipline.

The problem of retirement

Getting employees out of the municipal service when they have outlived their usefulness is as important as getting them into the service on the basis of merit. In a city where the writer was making a personnel survey a few years ago one of the department heads pointed to a group of elderly men and said, " Do you see those old fellows over in the corner? They are my stamp-lickers." Upon inquiry it developed that they were classified employees of long and faithful service, but were incapacitated by age and illness for anything but the very lightest work. Hence they were assigned to the duty of licking stamps and envelopes although, on account of their seniority, they were drawing the highest salaries in the office. They could not be dismissed, for there were no charges against them but old age and misfortune; and they could not be retired on

pension because the civil service laws made no provision for such action.

Conditions such as this have induced cities to put into operation plans for the regular and systematic retirement of incapacitated employees on pension. At first these retirement systems applied only to policemen, firemen, and school teachers; but they are now being extended to cover all municipal employees. They all operate on the theory that employees should not only be permitted, but should be compelled, to retire on pension when they are physically or mentally incapacitated by accident, illness, or old age.

Retirement plans

Retirement on account of age is generally obligatory at the age of sixty-five, or thereabouts. Some cities retire employees after a given period, usually twenty-five or thirty years, of service. This is inadvisable, because it permits persons who enter the service young to retire on pension in the prime of life. Retirement for incapacity before reaching the age limit should be allowed only when the most careful medical examination possible has demonstrated the employee's unfitness for service. Even then retirement should be provisional, and if the employee recovers his health, he should be compelled to return to work.

The most complex feature of all retirement systems is the pension plan. Three general schemes of providing pensions have been tried. In the non-contributing plan, as it is commonly called, the municipality bears all the expenses. The sums needed for pensions are provided from year to year by current appropriations. In the partial contributory plan pension payments are made from a fund accumulated by small monthly contributions from the employees plus municipal revenues provided by fees, fines, licenses, and sometimes special tax levies. In the straight contributory plan a pension fund is accumulated by contributions from the city treasury and the employees, usually on a fifty-fifty basis. The contributions of the employees are deducted from their salaries, and the city matches this sum by regular appropriations from the treasury. The non-contributory and partial contributory plans are now quite generally discredited, because experience has shown that they are difficult to administer successfully, inequitable in their distribution of burdens, and uncertain in their production of revenues.

Pension plans

The supremely important thing in any pension plan is to build up and maintain a fund which will be at all times suffi-

cient to meet the payments called for by the progressive retirement of employees under the provisions of the law. This can only be done by placing the pension funds upon a strict actuarial basis just as insurance reserves are handled. A careful actuarial study will show exactly what increments the pension funds must receive to insure the payments promised by law to retired employees, and it is the duty of the city to see that such increments are made. Under the straight contributory plan it is easy to calculate the necessary rate of contribution for both parties, and the revenues of the fund are absolutely certain, because the city is bound by contract to match the sum which it deducts from the salaries of the employees.

The necessity of actuarial soundness

Private insurance companies are now beginning to develop plans by which they hope to be able to relieve municipalities of the burden of administering their own pension systems. The gist of these plans is that the company contracts with the city to insure the employees of the city on a group plan, providing death benefits, sick and accident benefits, and old age protection. The city guarantees the premiums, but as a rule follows the contributory plan of raising the necessary sums. Some fifteen or twenty cities have now entered into such contracts for all or part of their employees. The plan is still in its infancy, but seems very promising.

Private insurance companies entering municipal field

In concluding this subject it may be well to say a few words about the civil service procedure of European cities. As a matter of law there is no such thing as the merit system in English cities. The city council is perfectly free to make appointments on any basis it may see fit, and to make removals in a like manner. But as a matter of custom, appointments are generally made on the basis of technical fitness and the incumbent is unmolested in his position during good behavior. In France a system of municipal civil service was inaugurated by act of parliament in 1919. This law requires civil service competitions in all communes having a population of more than 5,000. All employees, unless their appointment is otherwise provided for by law or decree, must be chosen by competitive examination. The examining board consists of the mayor, two members of the council named by the council, the secretary of the commune, and either the head or some other high official of the department in which the vacancy occurs. The law also provides for a special board to deal regularly with promotions, and another to deal with disciplinary matters. German cities

Civil service in European cities

do not have a system of competitive civil service tests for the subordinate administrative service, but the municipal code prescribes certain qualifying examinations prior to appointment. The appointments are made by the administrative board of the city on a permanent basis, and all questions of disciplinary character are disposed of under state laws and administrative decrees.

Selected References

W. Anderson, *American City Government,* Chaps. XVII, XVIII, XIX.
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C. C. Maxey, *Readings in Municipal Government,* Chap. V.
W. B. Munro, *Municipal Government and Administration,* Vol. II, Chaps. XXIII, XXIV, XXV.
T. H. Reed, *Municipal Government in the United States,* Chap. XVII.
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Questions and Problems for Discussion

1. It is proposed in amending the charter of the city of X to have the city clerk elected by popular vote instead of appointed by the mayor. Would you favor or oppose such a change? Would your opinion be different if the proposal were to have the city clerk chosen by the council instead of by the mayor?

2. Can the vertical and horizontal classification of functions be applied to a factory, a department store, a church, or other non-governmental institution? Illustrate.

3. Outline what you would consider to be ideal organization for a body responsible for administering the civil service laws of the city. What powers would you give this body?

4. State what you would consider proper examination procedure for city playground supervisors. Do the same for any other municipal position in which you may be interested, one that you might like to have yourself.

5. Should a municipal employee guilty of intoxication while off duty be disciplined for his conduct? What sort of disciplinary procedure, if any, would you suggest for such a case? What sort of discipline would you recommend for an employee guilty of intoxication while on duty? What for the offense of insubordination?

CHAPTER XVII

SAFETY, ORDER, AND JUSTICE

The hazards of city life

Every man is at times a menace to himself and to others. Thoughtlessly, carelessly, ignorantly, and sometimes deliberately and even maliciously, he does things which are ruinous to the security of person and property. Social intercourse is, therefore, fraught with such danger to life and limb and worldly possessions that it becomes necessary in all forms of human society to curb individual freedom and police the body politic. In city life this need reaches the maximum. When great multitudes of human beings are crowded together like bees in a hive, their numerous and necessary contacts multiply so tremendously the perils of social intercourse that the preservation of safety, the promotion of order, and the administration of justice are the most necessary functions of city government.

The crime hazard

Crime is one of the greatest hazards of urban society. The city offers more incentive to crime than the country, more opportunity to engage in criminal occupations, and more chance to profit from criminal enterprises. For these reasons the urbanite, living constantly under the menace of crime, looks to the government of his city for protection. The constant friction of city life is a breeder of disorder, and there is an ever-present danger of riotous disturbances which does not exist in rustic society. This danger, like the danger of crime, must be counteracted by the zealous endeavors of the city government. Vice constitutes another peril to the security of urban life. In a rural society, gambling, prostitution, drunkenness, and most other forms of vice do not ordinarily constitute an immediate danger to persons not participating in them; but the crowded conditions of city life make it next to impossible for vice to flourish without creating serious hazards for the whole community. Vice excites disorder, fosters crime, and demoralizes all social relations. So the city government must undertake to protect the people against the ravages of vice.

Cities are man-built places, and man does not build infallibly. Practically every structure that man has ever been able to devise is susceptible in some degree to the red menace of fire. The danger of fire in cities is increased many fold by the congestion of population and the resulting accumulation of things combustible in the industrial and commercial processes of urban life. The city government must, therefore, assume the burden of combatting the fire menace. But the man-made structures of the city are pregnant with many dangers besides fire. Nearly all are equipped with potentially dangerous machinery — elevators, steam-boilers, electrical apparatus, and the like — which, unless safely constructed and properly operated, may cause enormous damage to person and property. The city government must guard the people against these dangers, and also against the far more hidden and unforeseen danger of weak or improper construction of buildings. When a ten-story office building collapsed in Prague, Czechoslovakia, in October, 1928, killing and maiming scores of people, the very first question raised was the responsibility of the municipal authorities in allowing the building to be constructed as it was. The same thing was true of the disaster in Washington, D. C., a few years ago, caused by the collapse of the roof of a huge theater.

The structure hazard

The streets of the city are also beset with perils. Traffic accidents claim hundreds of victims daily. Building operations are a constant threat to the safety of persons in the streets below. The streets carry sewer lines, water and gas pipes, electric conduits, trolley and light wires, street car tracks, and sometimes have subways beneath the surface and elevated railroads overhead. Without proper safeguard, all these uses of streets are laden with danger, and it is of course the business of the city government to see that safeguards are provided.

The street hazard

We might continue endlessly with this enumeration of hazards of city life; but it is unnecessary. Enough has been said in the brief summary already given to show that safety of person and property is one of the major problems of city government. Legislation designed to promote public safety mounts up to dozens of portly tomes, including such things as building laws, fire-prevention laws, traffic laws, vice-restriction laws, laws regulating the construction and operation of public utilities, and criminal laws almost without number. To enforce

Governmental action in the interest of public safety

these many laws the city must have an elaborate system of administrative machinery. Every city has its police department and fire department, and most of the larger cities have special agencies for the enforcement of building laws and other types of safety legislation. The police and fire departments in many cities are separately organized and directed, but there is coming to be a tendency, for the sake of better coördination, to organize these two services as divisions or bureaus of a single department of public safety. Only the larger cities have special departments dealing with buildings and safety engineering, but in all cities there are officials (attached usually to the department of public works, the office of city engineer, or some other agency whose work is mainly technical) who are charged with building inspection, electrical inspection, plumbing inspection, steam-boiler inspection, elevator inspection, and various other investigational and regulative activities having to do with public safety.

The police department is the principal agency of the city for the promotion of safety.

The stormy petrel of public safety administration, in fact of all municipal administration, is the police force of the city. The work of the police is enormously provocative of political controversy. The police deal directly with crime, vice, street traffic, and public disturbances of all sorts. If there is a traffic jam, the police are blamed; if there is a serious traffic accident, the police must conduct the investigation and perhaps share the responsibility; if there is a riot or disturbance in connection with a strike or a sporting event, the police must take the situation in hand; if there is a payroll robbery or a bank holdup, the police must go into action; if street soliciting becomes prevalent, the police must curb it; if bootlegging flourishes, the police must combat it; if two pushcart peddlers resort to fisticuffs, or two fishwives pull hair, the police must stop the rumpus. The police touch urban life at almost every point, encounter trouble in almost every form; no wonder, then, that police administration is fraught with difficulties and controversies.

The internal problems of police administration

Police problems may be classified as internal and external. The former have to do with the internal management and direction of the police force, the latter with the actual execution of police functions. The internal problems of police administration are not spectacular and seldom attract attention outside the ranks of specialists in municipal administration, but they are on the whole more fundamental than the external

problems. It may not seem to the apathetic public to make a great deal of difference whether the police force is headed by a single executive official or by a board; but it does — it makes all the difference between a vigorous and efficient police department and a feeble and inefficient one. Experience amply supports the thesis that a board is not an appropriate instrument for police administration. Boards lack the celerity of decision and promptness of action that are indispensable in a semi-military organization like the police force; they are susceptible to dissensions and disruptions of a personal and political nature, and are unable to maintain the immediate and constant contact with the daily routine of the department which is essential to informed and effective administration. Although there are still a few important cities with police boards, that system of administration is on the road to extinction. The single executive system has proved its superiority so convincingly that the board system has few champions left.

1. Board *vs* single-headed direction

Assuming that the headship of the police department is to be vested in a director or commissioner instead of a board, how should this official be chosen? Popular election throws the police department directly into politics; appointment by the joint action of the mayor and council is almost as bad; appointment by the mayor alone is somewhat less likely to result in a political choice; and appointment by examination under the merit system ties the hands of the responsible governing officials of the city in dealing with emergencies that call for sweeping changes in the overhead direction of the police department. The method preferred in most American cities is appointment by the mayor, sometimes with and sometimes without councilmanic confirmation. In most of the manager cities the appointment is generally made by the city manager, but some of them reserve this appointment to the mayor. In commission-governed cities the commissioner of public safety is elected by popular vote, a fact which is generally recognized as one of the outstanding weaknesses of the commission system of government. The head of the police department in English cities is chosen by the city council; in French cities, by the president of the Republic; in German cities, by the municipal assembly or the administrative board, according to the status of the position.

2. Choice of the executive head

It would not be entirely accurate to remark that political considerations do not figure in the selection of the head of the

police department in European cities, but it is true that they count less heavily than ordinarily in American cities. It is not, however, the appointing process that makes the difference, but the different traditions and attitudes of the two continents as to police and police operations. In Europe the police are regarded as an adjunct if not as a direct branch of the military, and for that reason technical considerations are likely to prevail over political. In the United States the police force is regarded as basically a civilian organization, and hence we look upon political interference in police matters with greater equanimity than Europeans. Since no method of appointment can change the political habits of a people, it is not probable that we can obtain European results simply by adopting European methods of appointment. American authorities on police administration substantially agree that for American cities the best method of selection is for the head of the police department to be appointed by the chief executive of the city under safeguards that will clearly fix the responsibility for political appointments and removals when such are made. The simplest way to achieve this result is to place the head of the police department upon indeterminate tenure and at the same time give the chief executive complete power of appointment and removal. This will make it impossible for the chief executive to make a change without assuming full responsibility for it, but will enable him to make changes easily when he is willing to shoulder the blame.

3. Politics in the selection of police executives

The question sometimes arises as to the advisability of elevating an officer from the ranks of the police department to the position of director of public safety or commissioner of police. Promotion from the ranks is the common thing in Europe, but in the United States this practice has not been favored, although many cities have experimented with it. A man who rises from the ranks is usually encumbered by his past. Like all large organizations, police departments have their factional differences and personal intrigues, and no man can stay long on the force without being smudged by some of these affairs. Such a man, when he comes to the position of command, is gravely handicapped by enemies among his subordinates. Furthermore the training and experience of a police officer emphasize routine, red tape, and detail rather than open-mindedness and initiative; and Americans, not having the military conception of police functions, attach less

4. Shall the executive head be chosen from the ranks of the police force?

importance to perfection in police punctilio than to energy, originality, and force of character. We normally prefer, therefore, non-professional police executives.

5. Confusion of functional relationships between executive head and chief of police

One of the complicating factors of police organization in many American cities is the existence of the uniformed office of chief of police alongside that of director or commissioner of police. The director or commissioner is designated as head of the department and the chief is his subordinate in direct command of the police force. Beyond this the legal relations between the two are seldom clearly defined, and there is often an attempt to give the chief of police an independent sphere of authority by compelling the head of the department to transmit all orders to the line and to carry out all rules and regulations through the chief. Sometimes the law even goes so far as to give the chief of police complete and undisputed control over the stationing, transferring, and day-to-day movement of all members of the police force. Since the chief is always a uniformed officer who has risen from the ranks, and the directing head usually is not, the anomalous relation which exists between them sometimes breaks out into open friction and discord. The office of chief of police is in reality a relic of the days of board administration, and should have been abolished or thoroughly modified upon the abandonment of that system. Where there is a single directing head of the police department, there is no need for a chief of police in the old sense of the term. What is needed is a technical aide or deputy to the police commissioner drawn from the uniformed ranks. There is no objection to labelling this functionary chief of police, if it will make him any happier, but the law should specifically define his duties so as to make him clearly a deputy.

6. Organization below the rank of chief

Below the office of chief the organization of the police force follows military models very closely. The city is divided into police precincts, each under the command of a captain. Under the captain are such a number of lieutenants and sergeants as may be required by the size, population, and general nature of the precinct. Some of the larger cities have the office of inspector of police. The duties of inspector are not everywhere the same. In some cases he is a sort of deputy chief of police with special functions; in other cases he has general oversight of a certain number of police precincts which have been organized into inspection districts. The captain is the

pivot of police administration, for he is the commander of the forces in the field. The lieutenants attached to his precinct are his deputies and assume command as directed by him. The patrolmen in each precinct are usually organized into squads, and each of these is under the charge of a sergeant in supervision of patrol. In each police department there are several special units which are not always organized along precinct lines. The most important of these are the detective bureau, the traffic bureau, the vice squad, and the signal bureau.

7. Recruiting and training policemen

The recruiting, training, and management of police personnel present formidable difficulties. The subject of personnel management has been treated in Chapter XV, and to deal in detail with problems of police personnel would involve extensive repetition of topics discussed in that earlier chapter. The vital thing in recruiting policemen is to select the right sort of material at the outset. Practically all the larger cities have placed the police force in the classified service, and the entrance examinations (both physical and mental) are being made more scientifically selective all the time. Character selection is not as well done as physical and mental selection, but is being taken more seriously than formerly. Training for police service has been brought to a relatively high state of perfection in some of the larger cities; but the smaller cities, being unable to afford police training schools, still cling to the old apprentice method of instruction. The recruit is sent out on patrol in company with an older officer, is supplied with certain reading material, and is possibly given the benefit of discussions and instructions at the roll-call period. After a short period of this sort of training, he is supposed to be prepared for his job. He learns, of course, what the older officers know or condescend to teach him; but his training period is not long enough or his experience sufficiently diversified to equip him for efficient service. Moreover, a technique acquired from older officers is not very likely to be progressive and up to date.

8. Modern police training courses

Modern police training schools offer a course of instruction that thoroughly tests the mettle of the candidate before appointment. He must learn to swim, box, wrestle, shoot, operate motor vehicles, and administer first aid; he is coached in report-writing, rules of evidence, court procedure, and practical civics; he is instructed with regard to the most important state and municipal legislation he will be called

upon to enforce, and is drilled in the rules and regulations of the department; he is taught something of personal ethics and social service; and he is given some training in methods of criminal identification. The most ambitious course of police training is found in Berkeley, California, where by coöperation with the University of California a course of instruction is offered that includes physics, chemistry, physiology, anatomy, criminology, anthropology, criminal psychology, psychiatry, microbology, parasitology, and microanalysis. The average city can never offer such an elaborate instructional menu as this, but all the larger cities can maintain police schools capable of thorough instruction in the practical requisites of police work. The smaller cities cannot do this, and their only hope of pre-service training for police recruits would seem to be through coöperation with the larger municipalities. A city of fifty thousand might very profitably send its police recruits to a police training school in one of the big cities and pay expenses and tuition fees for their course of instruction.

9. Central *vs.* local control of police

One further question of overhead control is to be considered before we are ready to discuss the actual administration of police functions. This is the question of central *vs.* local control of police. In Europe local police have always been subject to a high degree of central control. In France the police are, for all practical purposes, a national organization. They are locally organized and supported, but are commanded by officers who are appointed by and take their orders from Paris. The same thing was true of the police system of Germany before the war, and is true in substance yet, although a few polite bows have been made in the direction of local autonomy. Except for the police of metropolitan London, English police are under local control. But the central government by indirect means, such as subventions and inspections to determine whether subventions shall be granted, has actually obtained a large influence in local police administration. Central control was once popular in the United States, but is now on the wane. In only three or four large cities in the United States are police departments under the command of officials appointed by the state government.

The theoretical arguments for central control are unanswerable, but so are the theoretical arguments for local control. That the police are just as much agents of the central government as of the local government is obviously true; that the

central government has a right and a duty to see that they are not derelict in the enforcement of general laws goes without question; that local politics may demoralize the police department to the extent that it becomes lax in its attitude toward general law is likewise beyond dispute; and, finally, no one will doubt that these conditions *can* be remedied by central control. On the other hand, it is as plain as daylight that the people of the city have just as much interest, perhaps even more, in the strict enforcement of law in the city as the central government, for they are the first to suffer from non-enforcement. It is similarly a fact that central control and the politics incident thereto have sometimes been the source of greater demoralization and corruption than local independence. Furthermore, no one will deny that local responsibility is the basis of democracy and the key to self-government.

What, then, is the answer? There is none that would satisfy a dogmatist. Equally numerous examples of both good and bad police administration can be found under both systems. We have tried central control in this country, and found it not suited to our conditions and not consistent with our traditions and usages. Europe, on the other hand, prefers central control. It accords with European experience, and has in those compact and densely populated countries certain practical advantages which do not appear in spacious America.

The external problems of police administration

The primary and likewise the most engrossing task of the police department is to guard the people of the city against crime and disorder. For this purpose the police department is divided into two great branches, each having its distinctive functions and methods of procedure. These are the uniformed service and the plain-clothes or detective service. The uniformed branch of the police force is primarily concerned with guarding the city by means of patrolling, and the detective branch is mainly concerned with investigational work. We shall deal first with the problem of patrol.

1. Foot patrol

The theory of patrol is much the same as that of guard duty in the military service. The city is divided into police precincts, and these are in turn divided into patrol posts. Each patrol post, or " beat," is a route to be traversed by a patrolman one or more times during his turn of duty. While he is on duty the patrolman is responsible for everything that occurs on his patrol post, and as he " walks his beat " it is his business to make careful observations and to be ready for all

emergencies. The patrol posts are laid out so that every street and block of the city is contained in some patrol post, and hence, in theory, the whole city is protected by the regular diurnal and nocturnal perambulations of the patrolling force. A patrolman is always on duty on each post, and therefore the city is always fully protected.

But it is not as simple as it seems. To insure real protection, an officer should not be expected to patrol a larger area or a longer route than he can really keep under effective surveillance all the time. But no city can dream of putting that principle into operation. It would require such a huge force of patrolmen that the city could never stand the expense. Most cities do not pretend to lay patrol posts on any such principle; what they do undertake to do is to concentrate the patrolling force in the portions of the city where the crime hazard is thought to be high and to patrol the remainder of the city as adequately as possible with the small forces left available for such service. In retail, financial, and high-grade industrial sections of the city patrol posts will be small and easily kept under continuous observation, but in the outlying areas, and particularly in residential sections of the city, the patrol posts will be so extensive and the number of patrolmen so few that nothing better than nominal protection can possibly be expected.

Weaknesses of the patrol system

In these latter years police patrol has become a serious problem. The automobile and the trolley car have caused such a vast outspreading of population that foot patrol is becoming an impossibility. The city lacks the financial resources that would be required to station enough patrolmen throughout the city to afford adequate protection; and even though this were not the case — if it were possible to multiply the number of patrolmen indefinitely — still foot patrol would be largely futile because of the inequality between a policeman on foot and a modern criminal equipped with the speediest motor vehicles available. Except for certain limited types of work foot patrol is obsolete, and is being rapidly succeeded by various forms of motor patrol. For reasons which will be discussed later, it cannot be said that motor patrol affords very extensive protection to the householder, but it does have two pronounced advantages over foot patrol: (1) it brings a policeman to the place of trouble more quickly than foot patrol, and (2) it facilitates the pursuit of fleeing criminals. Motor patrol is also

2. Motor patrol

more economical than foot patrol, for it enables one man to patrol more territory than three or four men could patrol on foot. There are several systems of motor patrol. As a general rule the plan is to have patrolmen with automobiles or motor cycles cover a beat (greatly enlarged of course) in the orthodox way. Some cities have experimented with a combination of motor patrol and stationary patrol booths. The booth is equipped with telephone and is connected with the police signal system. The usual plan is to station a patrolman in the booth to answer telephone calls and to have one or more patrolmen with motor vehicles operating to and from the booth. This system has the advantage of insuring an immediate response to emergency calls, but it does not prevent crime any more effectively than any other system of patrol.

The basic question, however, is not which type of patrol is preferable, but whether any system of patrol is suited to modern conditions. Patrol, whether by foot, horse, or motor vehicle, finds its justification in the hypothesis that the most effective way to combat crime and disorder is to have policemen constantly cruising the streets; the more perfect the cruising, the more complete the protection. Is this hypothesis sound? From the standpoint of prevention, it should be remembered, there are two types of crime — crimes of impulse and crimes of premeditation. Crimes of impulse cannot be prevented by any system of policing. In the movies a policeman always turns up in time to prevent the enraged husband from beating his suspected spouse, but actual life is different. For a policeman to be on the spot when an unpremeditated crime of violence occurs is sheer coincidence. Most crimes of this character could not be prevented by stationing a policeman on every corner, for the persons who commit such crimes do not themselves know in advance what they are going to do. They act in response to sudden and overwhelming passion, and are not restrained by the fact that there is a policeman on the corner. Patrolling the city makes little difference, therefore, in the number of impulsive crimes committed. The number would probably be no greater if there were no police patrol at all.

The limitations of all types of patrol

With premeditated crimes the case is different. The perpetrators of these crimes make plans in advance and assiduously strive to evade the police. The question then is whether the patrol system gives the advantage to the police or to the

criminals. It seems in most cases to be with the latter. The uniformed police are easily watched; they pursue regular beats, and their habits are easily learned; they have not time to examine premises carefully, and hence must conduct most of their observations from the street. The criminal, knowing in advance the route and schedule of the patrolman, and making doubly sure by the use of " lookouts," is rarely endangered by the regular police patrol. In fact he likes to see the " cops " out on the beat; it gives him a sense of security and enables him to time his depredations accurately. The uniformed police on regular patrol do not cramp the style of the professional criminal very much, and they may, quite unwittingly, be of great assistance to him. It is the secret service that worries the professional criminal, for it is not easily watched and its activities cannot easily be anticipated.

Every municipal police department has its detective force. Usually this is organized as a separate branch of the service under the command of a captain directly responsible to the chief of police. The conventional duties of detectives are to conduct investigations and endeavor to apprehend the perpetrators of crimes who have slipped through the hands of the uniformed police. For this reason the detective bureau is sometimes called the second line of defense. But as a matter of fact the detective bureau is often the first line of defense; for, as has been pointed out above, the uniformed force is not in position to offer an effective defense against deliberate criminal operations. The detective force, by reason of its use of civilian clothes and its freedom from the impeding and frustrating routine of regular patrol duty, is able to cope with criminals on more equal terms than the uniformed force. When a crime is committed, the uniformed police usually make a perfunctory and preliminary investigation and then turn the matter over to the detective bureau, for " sleuthing " is the business of the detective. So it generally turns out that the real defense of the city is left in the hands of the detectives.

3. Secret service work

But the detective force that is confined to purely defensive tactics fails to measure up to its full possibilities. The military maxim, that the best defense is offense, is certainly true in waging war against crime. Impulsive crime will occur in spite of preventive measures, but premeditated crime may be materially curtailed by scientific secret service work. An adequate force of properly trained and experienced detectives

would be so thoroughly familiar with the denizens of the underworld and their doings, would know the habits and haunts of criminals so well, would be so closely in touch with the movements and probable operations of suspected or known criminals, that they could stamp out organized crime almost altogether and effect a very great reduction in unorganized crime. By carrying the war to the enemy's territory skilled detectives can anticipate many crimes and nip them in the bud, can intimidate known criminals and scare them out of the city, can break up gangs and clean up the breeding places of crime, and can round up most of the persons likely to be involved in a particular crime within a very short time after it occurs.

The need for better secret service work

Unfortunately, however, most cities do not have an adequate force of properly trained and experienced detectives. Because of the false sense of security which people enjoy when they see a uniformed policeman on the street, we have enlarged the uniformed forces and kept the detective bureau at minimum strength. We should get much more protection by cutting the uniformed force to an irreducible minimum and increasing the number of detectives to the maximum. But before doing this we need to reform our methods of selecting, training, and controlling detectives. In most cities detectives are recruited from the uniformed force. Transfer to the detective bureau is commonly regarded as a promotion because it means a higher rate of pay and release from the ardors of patrol. In some cases candidates for detective positions are required to pass a qualifying examination, but in most cities the chief of police is free to transfer policemen to and from the detective bureau at his discretion. In a few cities detectives are recruited directly from private life either by special examination or by direct appointment without examination. The recruiting of detectives from the uniformed force is open to much criticism. The training and the experience of a patrolman do not fit him particularly well for secret service, and in some respects they tend to disqualify him. As a patrolman he acquires the routine habit of mind and the bureaucratic lack of initiative which characterize the average policeman. Methodical, faithful, regular, almost mechanical — he is a good patrolman, but he will never make a good detective. And sometimes, unfortunately, not the best but the poorest material in the uniformed force is transferred to the detective bureau. Patrolmen

are assigned to detective service not because of demonstrated ability along any line, but simply because of their standing with the reigning powers in the department or in the political life of the city. Such detectives are as a rule both mentally and morally inferior, and regard their jobs as sinecures.

How to get the right sort of detectives

Recruitment of detectives from private life may be a good or bad policy, depending upon the method of selection. If the appointments are made on a purely personal or political basis, nothing could be worse. If the appointment is by examination under the merit system, the result depends upon the nature of the examinations and the honesty with which they are administered. No system of examinations can demonstrate whether a man will make a good detective, but it is possible to find out whether he has a good physique, a sufficient education, a quick and alert mind, and a good character. With these qualities he may be trained to be an efficient detective. Training and experience are the big things in the making of a detective. To meet the modern criminal on his own ground the detective must be more than a shrewd fellow who always beats his man to the gun. He need not be a sleuthing genius like Sherlock Holmes, but he should be well grounded in criminology, criminal psychology, and criminal identification, and should have a good working knowledge of basic sciences, such as chemistry, physiology, and bacteriology. Weapons he should know and handle like an expert, and should of course be skilled in all the arts of defense. But these things merely furnish the foundation. The main thing is experience — experience by virtue of which the detective comes to know the criminal better than he knows himself and to be able to read the underworld like a book. Such experience comes only to men who make a career of detective work. City detective work at present offers a man not a career but a job; and consequently city detectives are more often jobholders than criminal experts.

How can we get the sort of detectives we should have? The answer is simple. First, divorce detective work from routine police work. The two have little in common, and should have less. The reason a stage detective appeals to our sense of humor is that he is just a "cop" in plain clothes, and the reason we so admire the detective of fiction is that there is nothing of the "cop" about him. There is a lesson in this fact. Second, choose men for detective service, as such, and not for general police work, by a rigid system of competitive

examinations carefully designed to select the kind of material specially needed in detective work. Third, provide a thorough system of education and training for detective service and require all detective candidates to pass with a good grade. Fourth, make detective service attractive to men of initiative and ability by making it distinctive as well as reasonably remunerative. Fifth, eliminate politics as a factor both in the selection and control of detectives.

With a competent and well supervised body of detectives sufficient in number to keep the crime situation in hand, it would be possible to reduce very materially the amount of street patrol and reorganize the uniformed police force to perform the functions for which it is really fitted. Guarding the city against crime is no job for uniformed policemen under modern conditions. Street patrol is an archaic and obsolete system of protection. Ten first class detectives can do more to keep down crime and safeguard the people against its consequences than a hundred roving patrolmen. For protection against crime the city of the future will rely mainly upon its detectives — detectives of the type that we would regard today as superdetectives — and will use its uniformed police for regulating traffic, keeping order at public assemblages, quelling riotous disturbances, and other types of work for which they are peculiarly adapted. If half the police now on patrol duty in our cities could be transferred to traffic duty, there would be an immediate improvement in traffic conditions. And if the other half could be reduced to a few well drilled companies of emergency men, order could be efficiently preserved with a much smaller force than we now employ.

4. The vice problem

Unquestionably the most vexatious duty that the police have to perform, and the one that yields the least return for the time, energy, and money invested in it, is the suppression of vice. Our legislatures in an excess of zeal have outlawed a good many things which do not violate the urban conscience, despite the fact that in rural parts they may be viewed as sins. Gambling, for instance — when you abolish gambling, you deprive many an urbanite of one of his principal forms of recreation. It may be a sinful recreation, and one that is gravely dangerous to the public weal, but so long as a very considerable proportion of the people do not feel that way about it, it is going to be exceedingly difficult to banish it by legislative fiat. The same thing is true about liquor. Numer-

ous popular referenda have demonstrated beyond any possibility of doubt that the urban multitudes of this country are in favor of alcoholic beverages and of the traffic in alcoholic beverages. Bacchus, Gambrinus, and John Barleycorn may be demons whose works lead straight to Hell, but so long as half the people or more delight in their titillations it is not easy to keep them beyond the pale. Prostitution does not have the same degree of social approval as drinking and gambling, but it is not disapproved as are murder, burglary, larceny, and other serious offenses. There is much hypocrisy in the public attitude towards prostitution, and many people who openly condemn it, secretly condone it.

It can be seen, therefore, that in suppressing vice the police are often called upon to enforce laws that are unpopular, or if not unpopular, that are not supported by a positive public demand. These laws proscribe acts which great numbers of people do not consider to be morally reprehensible, or only slightly so at least, and which they do not consider to be anyone's business but their own. How are the police to deal with such offenders? Obviously they must hunt them down, arrest them, and bring them to court for prosecution. But stalking gamblers, liquor peddlers, and prostitutes is a different game from tracking down murderers, burglars, and forgers. In the latter case public sympathy is with the police, but in the former it is not. There are neighborhoods in our great cities where a policeman would be in danger of being mobbed for arresting a liquor violator. There are localities where it is virtually impossible to get evidence against gamblers and prostitutes. And when by dint of great effort the police do round up a few offenders, do they find juries and courts ready to sustain them with convictions? Not as a rule; the chances are that a majority of the persons caught in their drag-net will be let off scot-free or with merely nominal penalties.

Vice offenders cannot be treated as ordinary criminals.

"What is the use of trying to enforce such legislation?" says the policeman to himself after a few sad experiences. He cannot get convictions when he does make arrests, and if he is too zealous the vice interests may bring pressure to bear through political channels, and the chief "sends him to the sticks," i.e., transfers him to a long and remote residential "beat" which will put corns on his feet. Then the policeman begins to "see things," as the saying is, and when he gets a chance to "shake down" a little something by overlooking vice opera-

tions on his "beat," he says, "Why not?" and takes it. It will do him no good to make an arrest, and it will do him less good to "squawk."

But even if the police department were incorruptible and the courts were ready to convict, suppression of vice would be a difficult task. Vice is much more elusive than crime, leaves fewer traces, and involves many more people. To insure a conviction it is almost indispensable that the offenders be taken *in delicto*. You can take a murderer or a burglar months or years after the commission of his crime and convict him on circumstantial evidence. But try to convict a prostitute on circumstantial evidence six months (or even six hours) old, or a gambler or a bootlegger. Vice offenders practically have to be taken in the act and convicted on evidence procured at the time. This is not the law of the situation, but it is the fact of the situation, and it is a fact which makes the job of the police doubly hard. People do not indulge in vice on the street corners. They take refuge in club rooms, hotels, apartment houses, various other private retreats. The police have to run them down and catch them in the act. What a merry-go-round it would be if the police should seriously undertake to track down all vice culprits. Would they have any time to hunt more serious offenders?

Laxity almost inevitable

Of course the police do not pretend to enforce vice legislation stringently. They enforce it just as stringently as political exigencies require, and no more. It would be preposterous to expect them to proceed against all vice offenders; they never could locate more than a minor fraction of the total number if they should attempt it. Fancy the police trying to find every dice game, every card game, every supply of liquor, and every rendezvous for illegitimate sex relations in the city of a half-million inhabitants. It would mean that a majority of the people of the city would have to be kept under continuous surveillance; and no police department is going to undertake so fantastic a task as that. The actual policy of the police department is to single out a few flagrant and notorious offenders, and keep them under fairly close observation with perhaps an occasional arrest for the sake of the records. Then when the newspapers and reform organizations complain loudly, the police launch a series of spectacular raids against offenders whom they have had spotted for a long time. This satisfies public opinion and does not greatly inconvenience the vice interests,

for the offenders are usually let off with a fine, which they regard as a license fee and a part of the regular cost of doing business.

It is regrettable that we are forced to such cynical conclusions with regard to the vice problem, but the facts do not warrant anything else. The Associated Press dispatches recently carried a story to the effect the Chicago Crime Commission had charged the police department of that city with "soft-pedalling" more than 60,000 cases of violation of vice legislation. Whether the charge be true or not, the figure undoubtedly represents but a small portion of the total number of vice offenses in that city, most of which could not be known to the police at all. The easy way of disposing of the problem is to condemn our police departments as corrupt and inefficient, and demand a thorough housecleaning. But the thing we must recognize sooner or later is that policing, be it even 100 per cent efficient, can accomplish very little in the suppression of vice so long as we leave undisturbed the social and economic conditions which give rise to vice. The police can achieve a moderate degree of success in combatting commercialized vice in its most flagrant forms; but beyond that we should not look to the police for the solution. Fining and jailing prostitutes is not going to stop prostitution; fining and jailing gamblers is not going to stop gambling; fining and jailing bootleggers is not going to stop the illegitimate use of liquor. Such forms of repression have been used against vice since the beginning of organized society, and without much success. To stop prostitution we must correct the conditions which lead women to adopt this mode of livelihood; to stop gambling we must destroy the factors which stimulate the gambling impulse; to stop the liquor traffic we must eliminate the forces which create the desire for alcoholic stimulation. To put it bluntly, vice is a natural by-product of our social system; it grows out of inequities in the distribution of privileges and advantages, out of defects in our processes of social education, out of maladjustments in our social and economic machinery. If we really want to combat vice, we must attack these conditions and remedy them, even though the remedy lead to profound modifications in our social order.

We must strike at the causes of vice.

The latest source of torment for the police department is the traffic problem. The motorization of vehicular traffic has reached the point where our cities are threatened with

5. The traffic problem

economic strangulation from traffic congestion and with almost incalculable damage to person and property through traffic accidents. Every twenty minutes, speaking in averages, a life is snuffed out by an automobile accident, and every forty seconds a cripple is made. The human loss is incomputable; the property damage is estimated at more than $600,000,000 a year. In addition to these perfectly appalling losses it is estimated that traffic congestion results in waste of fuel, in delay, idle equipment, increased overhead, and other operating losses to the total of $2,000,000,000 annually.

Truly a staggering problem confronts the modern city in controlling its vehicular traffic. But it must be solved if our present-day mechanical civilization is to be saved from self-destruction. It is not fundamentally a police problem. As an ameliorative and adjuvant agency, the police department may make an important contribution to the solution of the traffic problem; but we must look to city planning, to reconstruction of traffic channels, to readjustments in street uses, to the redistribution of population and business and industry — in fact to the general recasting of our cities from a physical standpoint — for the real solution.

The work of the police in traffic control

The chief function of the police in dealing with traffic is to regulate its movement. Quite naturally the police were unprepared for this task when it forced itself upon them a quarter of a century ago, and a great many police departments have not yet fully recovered from their initial bewilderment. The first expedient was to detail a few patrolmen to regulate traffic movements at specially congested points. None of these men had any previous training or experience, and they sometimes made matters worse instead of improving them. As the need for traffic police increased and the difficulties of handling traffic multiplied, it gradually dawned upon the city fathers that a corps of specially trained men was needed to cope with the traffic problem. This led to the establishment of traffic divisions or bureaus in our city police departments, and to the recruiting of a specially selected and trained body of men for traffic service. A great improvement resulted. There was greater uniformity in methods of signalling and directing, greater intelligence in dealing with traffic situations, greater efficiency in the enforcement of traffic laws; but no improvement in police technique could keep pace with the mounting perplexities of the traffic problem. No city could assign

enough policemen to traffic duty to cover all the points of congestion and danger without seriously depleting the force thought necessary for regular patrol or increasing the size of the police force beyond what the tax rate would stand. Supplementary aids were sought which would facilitate the control of traffic without an excessive increase in the number of traffic police. The most fruitful devices for this purpose have been synchronized signal systems, one-way streets, arterial stops, and parking restrictions; but some of these have augmented the difficulties of the police in some directions, though helping in others. The point of diminishing returns from mechanical aids and traffic restrictions has now been reached, and the traffic problem still remains unsolved.

The need of a proper code of traffic law

From the police standpoint the first requisite in traffic regulation is a sound and adequate traffic code. At the present time most of our cities are governed under both state and city codes. Both of these are often too complicated to be easily administered, and there are sometimes serious discrepancies between them which lead to difficulties in enforcement. There is also a lack of uniformity as between the traffic regulations in different cities and states which is enormously confusing to drivers and is sometimes responsible for accidents. Considerable progress has been made through the work of the National Conference on Street and Highway Safety in drafting and securing the general acceptance of a uniform traffic code that will be simple and easily applied everywhere. The nation-wide adoption of such a code would do much to facilitate the work of the police in traffic regulation.

The need for more effective control of motorists

Another highly desirable thing from the viewpoint of police regulation of traffic is a more effective means of controlling motorists. The laws of most of our states allow any person over 18 years of age to operate a motor vehicle. The driver need not be the owner of the vehicle or have any responsibility for it. He need not be a person of proved physical or mental competence and need not show any capacity for meeting the responsibilities which the law imposes upon him for failure to use proper care in the operation of the vehicle. Careless, reckless, and incompetent drivers are the cause of more than half of the troubles of the police in traffic regulation. Steps are now being taken in many places to curb this menace. Drivers are required to procure a license to operate a car, and in order to do so must pass an examination which will afford some evidence

of their ability. Traffic offenders may have their licenses revoked and be deprived of the right to operate a car. To enforce responsibility for the consequences of improper driving there are proposals to the effect that drivers be compelled to insure or give indemnity bonds in order to obtain the requisite operator's license. None of these devices will wholly eliminate dangerous drivers, but they will place in the hands of the police, weapons which can be used with good effect in bringing them to account.

Why the police cannot solve the traffic problem.

It is becoming daily more obvious, however, that police regulation of traffic, indispensable though it be, cannot solve the problem. Certain conditions are beyond the capacity of police control to remedy; and until they are remedied the efficiency of the police in traffic regulation can never reach the possible maximum. The police cannot change the physical character of the streets; but this must be done to a large extent if traffic conditions are to be improved. Streets must be straightened, widened, extended, and articulated so as to give the city a circulatory system that will facilitate rather than impede the movement of traffic. The police cannot change the character of the traffic on the streets; but we have now reached the point where that is necessary. Street-cars and automobiles do not mix well, nor do trucks and pleasure cars. When traffic is light, the trouble is not great, but congestion makes it necessary to segregate and move these different vehicles in separate channels. The police cannot change the character of street intersections or counteract the follies of drivers; yet it is a fact that more than 75 per cent of all automobile accidents occur at street intersections, and are, for all the police can do, quite unpreventable. At busy and dangerous corners it is becoming necessary to put in underground or overhead crossings so as to make possible continuous traffic both ways; and at the less congested corners we must provide automatically operated devices which will close the side streets when traffic is moving on the main thoroughfare. The police cannot keep pedestrians in their appointed places. They can, of course, make arrests for "jaywalking," but there are not enough police to round up more than a tiny percentage of these offenders. Segregation of pedestrian and vehicular traffic by physical means must inevitably come in the more congested parts of the city. The police cannot solve the parking problem; they can only make arrests for violation of parking restrictions, which helps to clear the streets

but does not answer the question of what is to be done with the thousands of cars that must come down town every day. The police cannot prevent the continued erection of skyscrapers every one of which increases by thousands the number of people and vehicles trying to occupy the same space at the same time.

" The Sunday newspapers, when they run out of queer insects and Babylonian discoveries as material for sensations, are fond of giving us visions of ' the city of the future,' showing streets four or five layers deep, with each story devoted to one special type of traffic — street-cars, pedestrians, trucks and passenger automobiles. While it is, of course, not impossible that some such development may be seen, there is no valid evidence that it will. What New York is painfully learning in regard to subways is equally true of other forms of traffic: that congestion is not relieved by creating new facilities which parallel the old ones. Such devices simply make it possible to have worse congestion than ever, at the center; new roadways fill up as soon as they are opened. Decentralization is the only effective remedy. The day is probably not far distant when regional planning boards will submit recommendations to legislatures for enactment into law, limiting the number of persons who may occupy each acre of land, either for business or residential purposes.

" But even such regulations would not solve the traffic question in its entirety. It is a rural as well as an urban problem. The first great result of the automobile has been to reduce the former difference between city and country. The peaks and valleys of the population chart are being levelled off, a movement which is bringing with it a perplexing new group of problems for the sociologist. Traffic on a trunk-line highway may be a serious matter even many miles from the nearest large town. The mere cost of building and repairing these highways, and of maintaining adequate control of the movement of cars, presents new financial questions of increasing severity.

" It should be strongly emphasized that traffic control is not a matter which can safely be left in the hands of the police department. Its problems are now such that they can only be solved properly by engineers with ample theoretical training and practical experience. The two objectives of regulation — safety and speed — are incompatible, and finding the proper balance between them is an extraordinarily difficult task. Decisions must be made in the near future which will have far-reaching consequences, and it is therefore more than ever important that they should be made well." [1]

[1] Editorial in *The New Republic,* July 18, 1928.

6. Criminal identification

One phase of police administration that has always intrigued the lay mind is criminal identification. Three methods for criminal identification are in common use. The first is the photographic method, colloquially known as the "rogues' gallery." The second is the Bertillon system, and consists of taking precise physiological and anatomical measurements of all persons falling into the hands of the police. The third is the finger-print method. All of the larger cities have bureaus of criminal identification in the police department or have certain officers specially detailed to that work, but the smaller cities for reasons of economy have found it impossible to maintain such services to any large extent.

The photographic method of identification continues to be used as extensively as ever, but the Bertillon system is being gradually discarded. There are two reasons for the decline of the Bertillon system: (1) increasing doubt as to its reliability, it being evident the physiological and anatomical measurements do not remain constant throughout life; and (2) the need for unusual expertness on the part of those administering it in order that the results may be worth while. The finger-print method of identification is simple, easy to administer, and almost one hundred per cent reliable. It has become, therefore, the chief method of criminal identification, the "rogues' gallery" being now used in a supplementary capacity. One of the cardinal defects of criminal identification in the United States has always been the want of uniform and comparable records in different cities and states throughout the country and the lack of a central clearing-house for identification records. For some years the International Association of Police Chiefs tried to remedy this situation by maintaining a national bureau of criminal identification on a voluntary basis at Washington, D. C. In 1923 the United States Department of Justice was induced to take over this work; and although it still retains much of its voluntary character, the federal department is able to cover the ground more completely and efficiently than the loosely organized association of police chiefs could do.

7. The police signal system

Another feature of police work which, though technical in character, is of more than ordinary interest to the layman is the signal system. It is necessary for the precinct station-houses and central headquarters not only to keep close tab upon patrolmen on duty but also to be able to call them in at once if they should be needed for emergency service. Various

combinations of telephone and flash-light mechanisms have been put into use in most cities to accomplish these purposes. Such devices are operated from both precinct and central headquarters. Patrolmen are required to report by telephone at regular intervals, and may be summoned by flash-lights when not within reach of a telephone box.

The administration of justice is not commonly regarded as a municipal problem, but it is so inextricably interlinked with safety and order that any discussion of those subjects which omits justice is incomplete. The administration of justice is the culmination of law enforcement, and failures in judicial administration have a tendency, therefore, to render all efforts at law enforcement vain and futile. Police efficiency means little and gets nowhere unless it is backed up by equally efficient judicial processes. It is of no avail for the police to make arrests when the courts turn the offenders loose as fast as the police can bring them in.

The administration of justice

The police of every city are enforcement officers of the state and nation as well as of the city, and the judicial system of the city provides for the execution of general as well as local law. The judicial machinery of the city consists of courts of various ranks and their auxiliary agencies. These courts are not as a rule so organized as to constitute a simple and soundly articulated system, but make a confused jumble of illogically differentiated tribunals with overlapping, conflicting, and mixed powers and jurisdiction. The justice of the peace has the humblest court of all. In many communities this tribunal still retains most of its ancient prerogatives, having minor jurisdiction in both civil and criminal cases and functioning more or less independently of all other courts. In some places the justices of the peace have yielded their criminal jurisdiction to a special court of police magistrates, but still retain their civil authority; and in a few cities the justice courts have been replaced by a unified municipal court. Next in rank above the justice courts are the general state courts of first instance. There may be a single court with many divisions or a number of specialized courts — common pleas, domestic relations, probate, juvenile, etc. Above these are appellate courts of various descriptions, known usually as circuit courts or district courts; and then comes the supreme court of the state, which of course does not sit in the city unless it happens to be the capital city of the state. In all of the large cities also there may be found na-

Urban judicial machinery

tional courts. Associated with these various courts as auxiliary agencies are clerks, prosecuting officers, and executive officers such as sheriffs and bailiffs.

The chief trouble with this system of judicial machinery is that it consists of largely disrelated and uncoördinated parts which function as though law enforcement were a partible matter. The respective jurisdictions of these separate and maladjusted tribunals are so confused and ill-defined, their procedure is so technical, and their operations are so complicated that the processes of judicial administration are replete with chances of escape for persons who have fallen into the toils of the law even though their guilt is readily apparent to every rational mind. And these chances are measurably increased when the judicial system or any important part of it falls under the control of a political machine that is leagued with the underworld.

Its weaknesses

This is not the place to enter upon an exhaustive discussion of the faults of our judicial procedure; but a brief statement of the leading causes of judicial maladministration will be conducive to a better understanding of the whole problem of law and order in our large cities.

As suggested above, one of the major defects of urban judicial processes is the lack of unified organization for trial of offenders after their apprehension by the police. In the game of hide-and-seek between the law and the criminal the advantage, under our present chaos of judicial arrangements, is all with the criminal and the shrewd and unscrupulous criminal lawyer. To correct this, it is proposed to establish a unified municipal court with complete jurisdiction over all cases arising under state and local law. This court would be so organized that there would be specialized branches for different types of work, but would be completely unified in its responsibility and in its internal relations. At the head of the court would be a chief justice who would be more than a mere presiding judge; he would be a business manager with complete authority over dockets, assignments, and other matters of judicial routine. The court would be staffed with clerical and technical assistants to the fullest extent necessary for coping with modern judicial problems. No such tribunal has as yet been established in this country. The city of Detroit has a unified court for criminal cases only. New York, Chicago, Cleveland, Cincinnati, and several other cities have municipal courts that are

Importance of unified judicial machinery

unified in organization but not in jurisdiction, for their jurisdiction extends only to minor causes and the state tribunals still handle the more serious cases.

Another prolific cause of miscarriage in the administration of justice is delay in bringing cases to trial and in trial and appeal procedure. Such delay is the result of laxity on the part of judges and of technicalities in the rules governing the transaction of judicial business. A unified panel of judges under the effective direction of a responsible chief justice would do much to eliminate delay. The elimination of technicalities can be brought about by frequent revisions of the rules of procedure and by giving the court large freedom in formulating its own rules of procedure.

Our faulty prosecuting system

In criminal justice the prosecuting system is one of the weakest links in the chain leading from arrest to conviction. The principal agencies of prosecution are the grand jury and the prosecuting attorney. Extensive discretion is vested in both, and an offender may escape trial altogether if the prosecuting agencies do not care to press the action against him. Both grand juries and prosecutors are subject to political influence and control, and it not infrequently happens that they perform their duties on a strictly political basis. Persons with political influence have the charges against them dismissed or reduced in gravity, while those not so fortunate in their political connections have to endure the full rigor of the law. Grand juries are not so much to blame, however, as prosecutors; for the average grand jury is a body of laymen utterly dependent upon the prosecutor for all its information about the case. It would be just as well to abolish the grand jury system, as has been done in several states, and place the responsibility solely and directly upon the prosecutor. Then, to keep the prosecutor's office out of politics, popular election should be abandoned as a method of choosing prosecuting officers, and the prosecuting officer and all his deputies and assistants should be appointed by competitive examination and hold office during good behavior.

The jury system

The trial jury is another weak point in the urban judicial system. Jury trial is a dubious expedient at best; but in our large cities the trial jury has come to be a by-word and a reproach. The packing of juries is a fine art and the manipulation of juries has been reduced to a science. Better judicial organization and better rules of procedure will tend to improve

the quality of jury service, but we must also have better ways of selecting juries. Blind chance is not so bad when it has good material to work with. But it has become so easy to escape jury duty that the best qualified citizens generally get themselves excused on one ground or another, and thus leave the field open to the congenitally inferior, which is precisely the result desired by the shyster lawyer. The time may come when it will be necessary to select jurors from restricted panels of persons recognized as having exceptional mental and moral qualifications, so that it will be regarded as a distinction to be designated for jury service.

Fire protection

Protection against fire is, next to protection against crime and disorder, the biggest safeguarding job of city government. Fire protection has two distinct purposes: (1) to combat conflagrations, and (2) to prevent the outbreak of conflagrations. The fire department of the city undertakes to perform both of these functions, but it is organized primarily for fire-fighting and carries on its preventive work as a secondary and supplementary activity.

Organization and administration of fire departments

In many respects the organization of the fire department is similar to that of the police department. It is a uniformed force organized on a semi-military basis. The city is divided into districts with a fire station in each. A fire company with a certain quota of equipment is located in each station, and is responsible for combating fires which break out in its district. Only when a conflagration is too serious for a single company to handle is help sent from other districts. Firemen do not undertake to patrol the city, but remain at their station-houses awaiting summons.

The overhead organization of the fire department and its problems (including recruiting, training, and other matters of personnel) are very similar to those noted in the case of the police department. When the fire department is not set apart as a separate unit of organization, it is invariably a division of the department of public safety along with the police force. Under those circumstances the fire chief, like the chief of police, should rank as a technical aide or deputy of the head of the safety department. Captains and lieutenants in the fire department are the commanding officers in the various station-houses. One problem of personnel management in fire-fighting, which does not appear to any great extent in policing, is the rotation and length of periods of service. Since firemen

do not mount guard and patrol but see active duty only when called to extinguish a fire, they have a great deal of idle time. Lounging around the station-house, they have little to do but polish the equipment and play pinochle. Feeling that the life of a fireman was arduous by fits and jerks which did not occur too often, the early founders of our municipal institutions placed the fire department on twenty-four hour tour of duty. Dormitories were provided in the station-house, and the members of the company were required to be there day and night. Each man would be given one, two, or even three days a week off duty, but the company was kept at full strength all the time by having enough extra men so that one or two could be off every day without impairing the regular organization of the company. This was known as the single platoon system.

The platoon systems

Firemen seemed fairly content with their lot for many years; but onrushing civilization with its movies, automobiles, and eight-hour days sowed the seeds of discontent, and firemen began to view themselves as an oppressed and ill-used class of public servants. It was obviously inhumane to deprive their families of their presence for such long periods. They agitated for relief. Having political power, they got it, in the form of the two-platoon system. Under this system two full companies are attached to each station and alternate in the day and night duty. It cost the taxpayer a pretty penny to gratify the fire-laddies' demand for more leisure, but it may have been worth the cost. Cities all over the land put in the two-platoon system — and then the firemen began agitation for the three-platoon system, which would give them an eight-hour day, thus placing them on a level with bankers, plumbers, and garage mechanics; and a number of cities capitulated. But the three-platoon idea received something of a set-back when post-war retrenchment set in a few years ago, and has made no progress since.

The problem of leisure time is a serious matter in fire administration. It deeply affects morale and physical fitness. There is not a great amount of work that can be done at the station-house, and it is inadvisable to detail firemen in considerable numbers for inspection duty. Educational work may be carried on to a certain extent, but there are definite limits to this. It is a wise commanding officer who knows how to divide the time of his company between station-work, practice-drills, and

leisure so as to keep them always in the best fire-fighting trim.

The equipment problem

The question of fire-fighting equipment has been a good deal in politics in the United States. Many a city has been encumbered with defective equipment and also with a great deal of non-essential equipment because the chief members of the councilmanic committee, or other key personages, were adequately " taken care of " by the company making the sale. The policy of the city with regard to fire-fighting equipment should be governed by two considerations: (1) what kind of equipment is called for by the nature of the fire hazards in the area where it is to be used, and (2) whether the particular equipment under consideration complies with the highest standards of technical efficiency. The first of these questions may be answered by a careful survey of the types of building construction and uses in the particular district, and the second may be answered by consulting the National Fire Underwriters' Laboratory. Practically the same considerations should apply to signal equipment as well.

Fire prevention

American cities have made remarkable progress in the science of extinguishing fire. We have the largest and best organized fire departments in the world, the biggest and most powerful fire engines, the most efficient chemical extinguishers, the best devised ladder trucks, and so on. And with all this splendid organization and equipment, we have the worst fire record in the world. The annual per capita loss from fire in the United States is $4.75; in Great Britain it is 72c; in France 49c; in Germany 28c; in Italy 25c; in Switzerland 15c, and in Holland 11c. This paradoxical situation is partially accounted for by the far larger amount of frame and wood construction in the United States than in European countries; but in the main it is attributable to the greater success in fire prevention in those countries. We fight the effect; they fight the cause. We spend millions where they spend thousands to put out fires; they spend much effort where we spend very little to prevent fires.

Requisites for fire prevention

For fire prevention first of all a state of public opinion is necessary that will support the restriction of personal freedom by legal steps which will prevent the creation of fire hazards. This means that we must so regulate the construction and equipment of all buildings as to reduce as far as possible the fire dangers that lurk in faulty construction and in heating

and electric systems; that we must similarly control the uses of buildings so as to prevent the utilization of structures for purposes involving fire hazards that the building is not designed to meet, as for example the use of frame buildings for dry-cleaning establishments or moving picture theaters; that we must regulate the storage and handling of inflammable and explosive materials so as to keep down the menace of fire from these sources; that we must combat the danger from negligence in the handling of coals, ashes, matches, and inflammable rubbish by severe penalties; and that we must reduce the menace of what is known as spontaneous combustion by penalizing the failure to take the precautionary measures necessary to prevent spontaneous combustion just as severely as we punish direct and wilful negligence in the handling of highly inflammable materials.

An adequate fire protection code will cover all of these points and many more with the utmost detail. Nearly all American cities have such codes, and they are being constantly improved. Where we fail in comparison with European countries is not so much in the content of our fire codes as in their enforcement. We do not have the far-reaching and ferret-like inspection which is necessary to put teeth into the fire code, and our courts and juries are inclined to be very lenient with violators who are brought before the bar of justice. There is a certain amount of regular inspection of premises in American cities to ascertain whether the fire code is being adhered to, but it is often perfunctory and incomplete. The fire department cannot spare the men necessary to do this job thoroughly; and the police department, although it might do fire inspection work as a part of its regular patrol duty, regards fire inspection as more or less foreign to its particular sphere. Fire inspection is primarily a police job in Europe, and is very efficiently performed. We should not gain much from more rigid fire inspection, however, so long as judges and jurors maintain their present attitude of indulgence towards offenders against the fire protection laws. Arson and incendiarism are the only offenses against fire protection laws that we really take seriously in this country.

We are lax in enforcing fire codes.

Public education is likewise a valuable means of fire protection. Much progress is being made along this line. Fire Prevention Day is now annually observed throughout the United States, and is the occasion for a vast outpouring of educational propaganda through the press, the moving pictures, the schools,

Public attitude must be changed.

and other channels of publicity. But the personal habits of a people change slowly even under the impact of propaganda. Americans have always been the most careless people in the world in the use of fire both domestically and industrially. They could afford to be. It has always been easier to replace property consumed or damaged by fire in this country than elsewhere. Lower construction costs account for this in part, but a great deal of the responsibility must be laid at the door of our highly competitive system of insurance underwriting. This system has been a standing invitation for property owners to pass the risk on to the insurance company. Lying before the writer now is a circular giving an account of a rate war among a number of large fire insurance companies. It is a cut-throat struggle with each trying to bag all the business it can get; and as a consequence they are not overscrupulous in accepting risks, fixing premiums, and making settlements. It is also a fact that matches and other materials for fire-making have always been more easily available to persons of all ages and degrees of mental competence in the United States than elsewhere in the world. Some countries impose taxes on matches that put them in the category of luxuries, and thus out of the reach of hoboes or small boys with pyromaniac tendencies. And some countries assess damage costs directly upon owners or occupants of property unless they can prove conclusively that they were in no way directly or indirectly responsible for the origin of fires occurring on their premises. The burden of proof is always upon the owner or occupant. This has a very salutary effect in curbing the free and general dispensation of matches and in stimulating the utmost precautionary care on the part of those responsible for the use and condition of property.

The problem of structural safety

Structural safety is a problem of more recent origin than police protection and fire protection. Not until cities began to build into the air and to develop structures housing hundreds and thousands of persons at a time did the dangers of defective construction become a general menace. These dangers are traceable to many different causes. Foundations, steel-work, masonry, or timbering may be inadequate or improperly built and thus create a danger of collapse. Doors, windows, stairways, fire escapes, and other appurtenances may be defective or wrongly constructed and thus produce serious perils for the users of the building. Elevators, steam boilers, and other forms of mechanical equipment (particularly in buildings used for

commercial or industrial purposes) may be and are often a menace to life and limb. Equipment for gas, electricity, plumbing, and other facilities of modern life may also be potent instruments of destruction unless correctly constructed and installed. In fact there is no end of danger in the structures required for modern urban civilization unless great pains are taken to guarantee their safety.

That has come to be one of the most vital jobs of city government. The first thing is a body of law regulating the construction, equipment, and operation of all kinds of buildings. This is usually called the building code. Sometimes there is a state building code as well as a municipal code. In such cases there are often serious problems due to conflicts and discrepancies between them. An effort has also been made to secure uniformity in building codes, the two model codes — the Hoover code and the National Fire Underwriters code — have been put out to pave the way. We cannot go into the technicalities of building legislation, but we can readily realize that the drafting of such legislation is a matter for experts. When it comes to determining standards and specifications for building materials, structural strength, mechanical equipment, gas and electric installations, and other such matters, the average city council or state legislature is as much at sea as an Eskimo with a table of logarithms. The very best technical advice should be sought and followed. The most satisfactory building codes have been prepared by representative commissions of technicians and then submitted to the council or legislature for adoption.

Building laws

With an adequate building code on the books, the next step is control. Initially this is secured by licensing building operations. No one is permitted to erect any sort of structure without securing a building permit, and in order to secure this permit the builder must submit plans and specifications which conform to the requirements of the building code. The next step is inspection to follow up the licensee and see that he adheres to the required specifications. This is the weak point in the system, for it is impossible for the city to employ enough inspectors to check closely on all building operations, and most cities do not even try. They single out a few matters which seem to call for special attention, such as boilers, elevators, electric wiring, and inspect them as diligently as possible. For the rest they depend upon the honor of the builders, with per-

Building inspection

haps a semi-occasional inspection for exemplary purposes. Inspection is needed, of course, not only upon buildings under construction, but upon old buildings as well in order to insure their continued compliance with the law as changes are made in the requirements or as deterioration occurs in the buildings.

Only in the larger cities is there a special department for the enforcement of the building code. In the smaller cities the work is usually distributed among several different authorities. Plumbing inspection may be assigned to the health department, electrical inspection to the fire department, elevator inspection to the city engineer, and so on. It is becoming increasingly desirable, however, to group these related functions together under a common head so that their work may be better correlated and their efficiency increased.

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Questions and Problems for Discussion

1. If you were given complete power to organize a city police department according to your own ideas, subject only to the condition that you should do everything possible to keep politics out of the department, what scheme of organization would you set up?

2. What is the proportion of detectives to uniformed patrolmen in your city? What would you suggest as the proper number for each service?

3. Outline a plan for the improvement of traffic conditions in your city through police control. Suggest any reforms you think might be valuable in supplementing police control.

4. From the standpoint of police administration alone, debate the question of the policy of toleration vs. the policy of suppression of vice.

5. Argue the question of whether it would tend towards the prevention of fire if the owner of property should be made personally responsible for all damage to neighboring premises in case of fire occurring on his property, provided that he might escape this responsibility by proving that the fire did not originate through any negligence on his part.

CHAPTER XVIII

HEALTH AND PHYSICAL VIGOR

Nothing affords a better illustration of modern trend towards collectivism than the manifold and wide-sweeping activities of contemporary city government in the protection and advancement of the health and physical vigor of its subjects. City life is hard on the human body. Living conditions in the city are abnormal for a creature equipped by nature for an outdoor life, and the swarming together of such beings in vast multitudes greatly increases the occurrence of disease and physical decline. Modern science has done a great deal to emancipate us from the ravages of pestilence and disease, which in former times blighted urban life and rendered it almost intolerable; but even yet, with all that science has accomplished, the city remains uncongenial to health and physical vitality. This is not to say that people may not be as healthy in the city as in the country, but that the city has more dangers to be combated and more obstacles to be surmounted in order to insure good health than the country.

City life involves many hazards to health.

The city is prodigally wasteful of its human resources. Death and disease stalk through the streets claiming their victims on every hand. A thousand perils to health beset the urbanite daily. Infectious, contagious, and many other kinds of communicable diseases are always present in the city; conditions favorable to the onset of non-communicable diseases, particularly chronic diseases, are widely prevalent; industrial diseases stand ever ready to prey upon the worker; infant mortality makes terrible inroads upon the natural increase of population; and debilitation and premature physical decline, caused by the stress and strain of city life and by unnatural and unhygienic modes of life, break down resistance and convert thousands into congenial hosts for any troop of bacteria which may invade their bodies. Overcrowding is the immediate cause of all this, but more fundamental even than that are impure water, contaminated food, defiled

air, bad sanitation, improper housing, insufficient sunlight, and inadequate exercise.

The war against disease is a community problem.

To protect health and promote physical vigor it is necessary first to fight the causes of disease and ill-health. It used to be thought that a man's health was his own business; but the more we learn about the causes of disease, the more apparent it becomes that every man's health is the community's business. The community cannot afford to allow a man to do as he pleases about his own health, because in so doing he is very likely to become a grave menace to others. Moreover, it is becoming increasingly clear that no man is fully capable of looking after his own health, no matter how willing he may be, for the causes of disease are so largely beyond the control of a single individual. It is therefore the right as well as the duty of the community to compel the adoption of measures necessary for the safeguarding of health and physical vigor. Nor is that the end of the community's job. Because urban conditions are adverse to the maintenance of bodily health and vigor, it is the rightful business of the community, not merely to combat the causes of disease and ill-health, but to provide facilities which will contribute in a positive and constructive way to the upbuilding of the health and physique of the members of the community. Modern city government has assumed these responsibilities and is engaged in more health work than could be fully described in a compendious volume.

Combating contagious and infectious diseases

The most spectacular phase of the battle against disease is the fight against infectious and contagious diseases. These are diseases which are known to spread from person to person through association or contact or through means incidental to association or contact. Smallpox, diphtheria, scarlet fever, measles, mumps, and chicken-pox are some of the more common examples of this type of disease. Medical opinion is not unanimous as to the number of diseases which should be placed in this class; but there is almost universal agreement among persons of really scientific attainments as to the proper method of combating them. The first step is isolation. Because these diseases are readily transmissible from person to person, they will continue to spread so long as afflicted persons continue to come into contact with others who are susceptible. Public health laws all over the world authorize the health authorities to quarantine persons having or suspected

Isolation

of having certain infectious or contagious diseases. When a quarantine is established it means that none but persons specially authorized by the health authorities may come into contact with the patient until after the order of quarantine is lifted. Violation of quarantine is a serious matter, and may bring summary punishment. Ordinarily only a single individual or his immediate family or associates are placed under quarantine; but the power of the health officials is usually of a plenary character in such matters, and in numerous cases a whole neighborhood or a whole community has been subjected to quarantine restrictions.

Supplementing isolation are various other expedients for the control of infectious and contagious diseases. Fumigation of persons and premises is still extensively practiced, although medical science is becoming increasingly skeptical of its efficacy. However, it is authorized, and sometimes required, by law and will continue to be used until its value is conclusively disproved. Fumigation is, of course, but a form of disinfection and sterilization, and although its value may be questionable, there are many other methods of bacteriological epuration whose effectiveness is beyond question. Most of these are too technical for discussion here, but it is worthy of note that the most effective of all disinfectants are boiling water, sunshine, and pure air.

Fumigation

Immunization has come in recent years to be one of the most successful means of combating infectious and contagious diseases. Immunization for smallpox by means of vaccination has been practiced with success for upwards of a century, and has been largely responsible for the virtual eradication of this dreadful scourge. But only within the last quarter-century has medical science developed effective sera for immunization against other diseases. By this method we have now practically conquered diphtheria, and seem to be upon the verge of success with scarlet fever. As time goes on we may expect many other diseases to yield to this method of attack. The value of immunization as a means of combating the spread of contagious and infectious diseases is considerably limited by the fact that health officials have no authority to make it compulsory until epidemic conditions develop. There would be no epidemics if the health authorities could compel every person to take the precaution of being immunized, just as there would be no long hikes to the filling

Immunization

station if people would take the precaution of filling the gas tank before leaving town.

Non-contagious and non-infectious communicable diseases

Many communicable diseases are not infectious or contagious. They are not ordinarily transmitted directly from person to person by contact or association, but are spread by carriers such as insects, animals, water, and food. Typhoid fever, yellow fever, typhus fever, and perhaps tuberculosis are examples of such diseases. These diseases are both epidemic and endemic in character, depending more or less upon circumstantial factors. The methods of combating these diseases differ somewhat from those used in dealing with infectious and contagious diseases. Complete isolation is not necessary; but partial isolation is needed in order to keep the afflicted person from becoming an agency of dissemination. Proper care in handling excreta, sputum, and various bodily discharges, in excluding insects and animals from contact with the sick person, and in safeguarding foodstuffs from contamination will usually accomplish this result. The most important thing from the standpoint of protecting the public is to locate the source of the infection and stamp out the carrying agencies. The source may be found in drinking water, milk, meat, and other foodstuffs, and the carrying agencies (when source and carrier are not identical) may be flies, lice, mosquitoes, animals (both domestic and wild), and human beings. Health authorities are given extensive power by summary abatement to eradicate conditions believed to be responsible for the spread of such diseases. They can order animals killed, close business establishments, impound water supplies, sequester property, and take many other drastic steps if the emergency demands it.

Administrative requisites in combating communicable diseases

From the standpoint of administration the most vital thing in dealing with communicable diseases of all kinds is not the medical technique (that is sufficiently perfected to be very effective if given a chance) but prompt, accurate, and complete information as to occurrence of such diseases. The health authorities are helpless unless they can know immediately when and where outbreaks of communicable diseases are taking place. Delayed information is almost as bad as no information, for time is a decisive factor in most cases. The medical profession, therefore, must function as an intelligence service for the health authorities. The necessary information comes first to medical practitioners in course of their daily

practice, and the health authorities have no means of getting it except through this channel. As early as 1782 practicing physicians in the city of Naples were required to report cases of tuberculosis to the city authorities; and following that example public health legislation all over the world has imposed similar obligations upon the members of the medical profession, not only for tuberculosis but for a long list of diseases. The diseases which are invariably made reportable are smallpox, diphtheria, scarlet fever, typhoid fever, tuberculosis, measles, whooping cough, chicken-pox, infantile paralysis, typhus, mumps, yellow fever, bubonic plague, rabies, and venereal diseases; and many others are frequently added to the list. It is the duty of the physician upon encountering one of these diseases in his practice to report the fact at once to the health authorities. The laws often call for informal notification by telephone followed by formal notification in writing. The health department generally supplies practicing physicians with blank forms to be used in making written reports.

Laxity in reporting should be dealt with severely.

Although the laws on disease reporting are mandatory, some doctors are lax in complying with them. Sometimes it may be because the doctor is swamped with work or is habitually careless of details, but too often it is the result of a desire to gratify the wishes of patients who desire to avoid the inconvenience and unwelcome publicity that sometimes follow upon the reporting of such cases to the health authorities. Doctors who deliberately withhold reports of communicable diseases in order to ingratiate themselves with patients are not only derelict in a sworn duty, but are a grave menace to the public. The penalties prescribed by law for this offense (usually a fine of $10 to $200) are much too mild. In Spain a physician used to be banished from the country for ten years for failure to report communicable diseases. A much simpler and more effective penalty is to revoke the physician's license to practice. It is recognized, of course, that some discretion must be allowed to the attending physician, because diagnosis is not an exact science, and the doctor cannot always be sure at the inception of a disease just what it is; but every competent practitioner knows suspicious symptoms and could make a tentative report to be treated confidentially by the health authorities.

The procedure of the health authorities upon receiving re-

ports of communicable diseases is to make an immediate investigation to ascertain what measures of defense may be necessary for the protection of the public. The investigation involves not only a confirmation of the attending physician's diagnosis, but a searching inquiry into the origins of the case both immediate and remote. The action taken by the health officials, both as to the patient and as to other factors in the case, must depend to a large extent upon the outcome of this investigation.

Tuberculosis and the venereal diseases are communicable diseases which call for a special word, because they involve peculiar difficulties. These diseases do not fluctuate in frequency of occurrence and number of cases as do most communicable diseases, but are ever present and, unless successfully combated, in ever growing numbers. Nor are they readily halted by isolation, immunization, and other measures which are successful in dealing with most communicable diseases. The cure of tuberculosis, when it is curable, is a process which calls for a long period of treatment and a carefully observed regimen of hygienic living; and a great many patients find it impossible to follow the prescribed course of therapeutics, on account of both its expense and its interference with their vocations. Except in the advanced stages of the disease, the patient is not bedridden, and is capable most of the time of moderate activity. Complete isolation is out of the question, and partial isolation is very difficult to enforce when the patient is up and around. The health officials cannot keep tuberculosis patients under constant surveillance, cannot isolate them, and cannot commit them all to institutions. The only way, then, to keep the patient from becoming a spreader of the disease is to impress upon him and his family and associates the importance of sanitary precautions. The family physician is a valuable aid in this matter; but the thousands of cases that are not under the regular care of a physician must be reached through educational propaganda and publicity, through social service agencies, and through public services such as free dispensary and visiting nurse service. Priceless help in the war against tuberculosis has come from voluntary private agencies and associations like the Red Cross and the various anti-tuberculosis societies. In endeavoring to prevent tuberculosis the public health authorities have to wage unceasing war against bad housing conditions, un-

Combating tuberculosis

sanitary living and working conditions, contaminated food supplies, and unhygienic modes of life.

The problem of venereal disease

Venereal diseases present the most difficult problem of all. These diseases are both preventable and curable; but owing to the social stigma attached to the victim of such diseases it is almost impossible for the health authorities to get them under control. Even with the fullest coöperation of practicing physicians (and that is a rare thing), the health officials are seriously handicapped by the fact that most persons with venereal afflictions will not consult a physician until necessity forces them to it, by which time the disease has run so long a course that they have infected many others. Often they turn to patent remedies and quack doctors; but instead of being relieved of their sufferings they are relieved of their money and of their chances of recovery. Until the great "conspiracy of silence" is broken down, little progress can be made in the struggle against these social plagues. Health authorities have tried to attack the problem by propaganda and by the establishment of confidential clinics; but unfortunately there are thousands of afflicted persons who for various reasons cannot be reached by these means. Much has been done, however, to put quacks out of business and restrict the sale of patent nostrums. Stringent legislation rigidly enforced can do so much at least.

It is an unfortunate fact that affliction with a venereal disease is popularly taken as proof positive of sexual immorality, and for this reason people try to conceal it. It is true without doubt that sexual immorality often means exposure to venereal infections; but it should be remembered that these infections can be and are spread in many other ways, and ways that endanger the innocent as well as the guilty. Nor should it be supposed that sexual immorality is commonly requited with venereal infection. If that were true, there might be some justice in allowing the guilty to suffer the consequences of their indiscretions, provided it could be done without peril to innocent persons; but the fact is that the worst sex offenders from the standpoint of social responsibility, quite commonly escape all venereal infections. It is the sub-normal, the ignorant, the credulous, the unfortunate, the underprivileged who are the most common prey of these diseases. Moreover, sexual immorality, disgraceful though it is and always will be, is not the sort of offense that should be permitted to blight a person's entire life. Society is becoming more charitable in these mat-

ters; is in fact slowly awakening to a realization of the responsibility of society itself for the prevalence of sexual immorality. This is an additional reason to hope that some day common sense may prevail over fear and prejudice, and so make an end of the scourge — the wholly unnecessary scourge — of venereal disease.

Preventing and counteracting non-communicable diseases

Non-communicable diseases fall into two general classes from the standpoint of public health administration: (1) those which are caused in whole or in part by industrial conditions, and (2) those which are caused in whole or in part by the physical environment (apart from industrial factors) and mode of life of the afflicted person. Industrial or occupational diseases are caused chiefly by chemical processes, dust, or other mephitic conditions to which the worker is constantly exposed. Proprietors of business institutions are generally willing to correct such conditions when brought to their attention; but there always are a few selfish and short-sighted persons who place immediate profit ahead of the health and continued efficiency of their employees, and it is this minority which has compelled state legislatures and city councils to enact detailed codes of industrial legislation for the purpose of safeguarding the health of the workers. The enforcement of these laws is divided between state and municipal authorities, and the city's part of the work is often distributed among several different agencies. The procedure is usually by inspection and executive order — inspection to ascertain whether the law is being complied with, and executive order to enforce compliance if need be.

Industrial diseases

Chronic disorders

The second class of non-communicable diseases presents far greater difficulty than the first, where specific causes may be found for specific diseases. A vast amount of illness in every city is traceable to no single and definite cause, but rather to the cumulative effect of many different factors working singly or in combination. Rheumatic afflictions, sinus troubles, respiratory diseases, digestive disorders, intestinal troubles, nervous disorders, heart diseases, and many other chronic or partially chronic afflictions of the human race are undoubtedly aided and abetted, if not initially caused, by factors in urban life that are adverse to the normal functioning of the human body. The urbanite breathes smoke-laden air, gets little sunlight, drinks impure or unwholesome water, eats improper and unhealthful foods, comes into contact with filth

in its most dangerous forms, takes insufficient exercise, and on the whole lives an abnormal physical life. As a consequence his vitality ebbs, his resistance is lowered, toxic conditions develop in various parts of his system, and when disease invades his body it makes an easy conquest.

The campaign to improve environmental conditions and personal and social habits

Public health authorities cannot combat this sort of disease by direct action as in the case of communicable or occupational diseases. Their task here is the much more formidable one of revolutionizing the environmental conditions and personal and social habits which make against health and physical vigor in urban life. Some of these conditions may be corrected in part by proper legislation reinforced by effective administration; but others can be corrected only through education, leadership, and social experience. Sanitation can be enforced by law; pure food and water may be provided by the same means; the smoke nuisance may be abated in the same way; and housing conditions likewise may be ameliorated by legal action. But personal hygiene cannot be enforced in that way, nor can any other requirement that depends upon individual initiative.

Purification of water supplies

Nearly all cities now are exceedingly careful of their water supplies, and are making constant efforts to improve them. Municipal ownership of water supply systems is the usual thing, the city which is content to endure the woes and take the risks which private ownership involves being regarded as mediaevally benighted. Pure water is not only vital to life and health, but is essential in all industrial and commercial activity. The construction and operation of water supply systems are essentially problems of engineering and business management, and as such will be discussed under another heading. From the health standpoint the important thing is the purification of the water before it reaches the tap. Nature has endowed some cities with plentiful supplies of pure and palatable water which needs only to be collected and stored; but other cities have to resort to various means of sterilization and filtration before their water supplies are fit for consumption. Chlorination is the most common method of disinfection of water supplies. This consists of treating the water with liquid chlorine or chlorinated lime. Purification by chlorination must often be supplemented by filtration and other processes to eliminate the turbidity and increase the palatability of water supplies.

Sewerage systems are universal in American cities and are on the way to become so in European cities. The disposal of human excreta and refuse by sanitary means has proved to be one of the greatest forward steps in public health history. Innumerable epidemics of disease have been averted and millions of lives have been saved by the elimination of human filth as a carrying agency. The modern city provides a sewerage system adequate for both present and anticipated future needs, and compels householders to install equipment for the use of the common sewers. Failure to do so, or to make use of the sewers after connection with them, is severely punished. Provision is likewise made for the sanitary disposal of refuse material that cannot be carried by the sewers, elaborate precautions being taken to insure the handling of garbage and rubbish in such a way as to prevent the spread of disease. The enforcement of sanitary legislation as to the use of sewers and the disposition of garbage, rubbish, and all other species of refuse material depends upon efficient inspection and direct, energetic action following inspection. There are two kinds of sanitary inspection — routine and special. Routine inspection consists of a periodic check-up, by means of more or less regular visitation, of the conditions in backyards, alleys, outbuildings, and other places deemed to be sources of danger. Special inspection consists of investigations made in response to complaints as to specific premises. Health officials encourage citizens to file complaints as to insanitary conditions in their neighborhood, for this is one of the most valuable sources of information and discloses many things that would not ordinarily come within the purview of routine inspection. It goes without saying that the handling of such complaints is a delicate matter and calls for much tact and discretion.

Sewerage and sanitation

The protection of the city's food supply is a task that taxes the resources of the health authorities to the limit, because there are so many possible avenues of infection to be guarded. Every drop of milk that comes into the city must be kept free from contamination all the way from source to consumer; all meat products must be compelled to run the gantlet of inspection; all bakery and confectionary products must be subjected to careful scrutiny; all food-handling establishments and their employees — groceries, delicatessen stores, restaurants, hotels, and the like — must be kept under close surveillance. It is a titanic undertaking, and one that calls

Protecting the city's food supply

for a considerable amount of technical proficiency as well as administrative energy and efficiency.

The milk problem is met by legislation forbidding the sale of milk in the city without a license and requiring all milk sold to conform to specified standards as to butter fat, bacterial count, and cleanliness. These requirements give the health authorities a basis for control through inspection and revocation of license in case of failure to comply with city standards. The inspection covers both production and retailing operations, and is reinforced by extensive laboratory service. The inspection of meat and other prepared foods is greatly aided in the United States by the pure food laws of the federal government and the efficient inspection which is incidental to the enforcement of these laws. But the federal laws apply only to food commodities in interstate commerce; and a large quantity of foodstuffs is always distributed in every city which never enters into interstate commerce. Either the state government or the city government, and sometimes both, must undertake to protect the people of the city against infection from these sources. The basic inspection in the case of meats and prepared foods usually takes place in the packing plants or factories where the food is prepared for retail distribution, and only guarantees that the product complies with the prescribed standards of purity and cleanliness when it leaves the place of production.

Milk and meat inspection

The regulation of food-handling establishments is simple in theory, but difficult in practice. The law prescribes methods of handling and calls for the use of equipment that will protect foodstuffs against exposure to contamination, and also forbids, as a rule, the employment of persons in any such establishment who may be afflicted with a communicable or otherwise dangerous or noisome disease. It is comparatively easy, for example, to force dealers to install fly-proof equipment; but to see that they actually use it effectively is another matter. Omnipresent inspection might do it, but such a thing is fantastic. The same thing is true of the regulations as to the health of employees in food-handling establishments. It is possible to require a medical examination as a prerequisite for entering upon such employment, and to require reëxaminations at stated periods; but it is exceedingly difficult to carry out these requirements. There are thousands of food-handling establishments in a large city with many thousands of em-

The regulation of food-handling establishments

ployees. Most of these establishments have a large and rapid employment turn-over, and this makes it fairly easy to hoodwink the health authorities if one desires to do so. Furthermore, employees may readily pass the prescribed examinations and later become afflicted with a disqualifying disease. Frequent examinations might offset this, but there are practical limits to the frequency with which examinations may be required or given.

The value of publicity

Experience has shown that one of the most potent weapons of the health authorities in dealing with the food problem is publicity. People do not consume unwholesome and infected foods by preference, and they will boycott any firm that can be shown to be dealing in such commodities. It is only necessary to expose a few concerns to public disfavor to stimulate a fairly prompt response on the part of all to the standards fixed by the health authorities. When cleanliness becomes a business asset, all food-handling businesses want to be clean. The chief value of inspection of such businesses is not necessarily, therefore, its comprehensiveness so much as its selectiveness. If it uncovers conditions upon which to hang a sweeping campaign of publicity, it has done about as much as though it were all-seeing, which it is not and never can be.

The smoke problem

The pollution of the air by smoke is more than a nuisance; it is now known to be a positive menace to health. Autopsical findings have shown that the respiratory organs of city dwellers are impaired by the continuous inhalation of the smoke and fumes which contaminate the air; and modern medical science is also inclined to the opinion that the smoke pall overhanging our great urban centers does great harm to health by cutting off the ultra-violet rays of the sun. For these reasons there has come a demand for the curbing of the smoke menace. A number of cities have enacted smoke prevention ordinances, but have not succeeded in making them sufficiently practicable to be effectively enforced. These ordinances deal with such matters as the construction and operation of boilers, flues, and smokestacks, and endeavor to regulate to some extent the types of fuel used and the manner of firing. It cannot be said that they have accomplished much as yet except to reduce the density of smoke at certain periods of the day. It may be that the future will solve the problem by the substitution of electricity for coal as a source of heat and power for domestic and industrial use, burning the coal at the mine and there

generating the electricity for transmission to the urban centers. But that solution does not seem to lie in the immediate future, and hence we must persevere in our efforts to eradicate the smoke nuisance. Incidentally the question is not without its economic aspects, it being evident that smoke is the cause of great losses through the deterioration of property and property values.

Housing as a factor in health

The correction of housing conditions which are dangerous to health is a matter primarily of regulating the construction of buildings so as to insure adequate provision for light and air and sanitation and secondarily of controlling the utilization of land for building purposes so as to make provision for the open spaces which are necessary for light and air. This, in so far as it is a matter of building regulation, has already been touched upon, and in so far as it is a matter of city planning will be dealt with later. Much progress has been made in the stamping out of slums by the enactment of building codes with an eye to health as well as safety, and we are beginning to see the fruits of city planning in zoning and matters related thereto.

The problem of infant mortality

Infant mortality has always been one of the sad features of urban life. The city-born child up to five years of age has always had a poorer chance of life than its country cousin, and urban rates of infant mortality have sometimes mounted to heights that suggested a slaughter of the innocents. One of the leading causes of infant mortality in cities has been the poor quality of the milk supply, but that has been largely corrected in late years. Other causes that still operate with largely unabated force are the weakened condition of mothers, and hence of the unborn child, owing to industrial employment and improper living during pregnancy; the lack of proper obstetrical care at the time of lying-in; the neglect of the infant after birth owing to the necessity of its mother's return to work; and the ignorance of the mothers, especially among the lower classes of people, as to the special care which infants require under modern urban conditions. These unhappy conditions are being counteracted in many ways. Laws have been enacted restricting the hours of labor of women in industry and forbidding the employment of pregnant women within a reasonable period prior to confinement; and provision is sometimes made for a stipend to working mothers to cover the loss of incomes during pregnancy. Midwifery is being more closely regulated by law

than ever before; unlicensed midwives are forbidden to practice, and licensed midwives are required to give evidence of competence and experience. Obstetrical service of the very highest scientific standards is being made available to the poor through the free work of great hospitals. Visiting nurse service is doing yeoman work in reaching into the homes of the ignorant and unfortunate and giving mothers medical advice and assistance as to the care of themselves and their babies. Child clinics have been established in many cities, particularly in those portions of the city where the rate of infant mortality is the highest, and parents are urged to bring children to these institutions for examination and treatment. While these various endeavors have done much to reduce the urban rate of infant mortality, there is still much to be done. Only a portion of the population is reached by these services, and it will require the expenditure of many more millions of dollars before the rate of infant mortality can be brought down to a respectable figure. Some day we may even feel that we can afford to be as generous in spending money for child-saving as we are in spending for war.

Institutional services for the promotion of health

It is not possible in the brief space available here to present anything like an adequate description of the auxiliary agencies with which the modern city is equipping itself in the war against disease. The most conspicuous of these are hospitals, sanatoriums, clinics, and laboratories. Hospitalization was for many years left almost entirely to private initiative; but the obvious inability of private initiative to meet all the needs, plus the woeful lack of coördination among private hospitals, has forced cities into the building and operation of hospitals on a huge scale. Municipal hospitals will never occupy the whole field, but they are coming to occupy the most exigent portion of it. What has been said of hospitals is equally true of sanatoriums, clinics, and laboratories. Millions of dollars are now being laid out on these undertakings, and more millions are urgently called for. The day of home care of the sick in the city has almost passed. Parlor, bedroom, and bath do not afford very extensive nursing facilities, and with an increasing proportion of the population of our cities coming to dwell in vest-pocket domiciles, the need for hospital facilities is greatly intensified. Moreover, occupational conditions — the active employment outside the home of every possible member of the family — and the increased danger of spreading certain communicable dis-

eases in apartment and tenement houses are rendering home care impossible and undesirable.

It is sad perhaps to picture the passing of the mother-nurse whose loving ministrations made sickness not all pain and whose vigils at the bedside have furnished inspiration for some of the most beautiful things our civilization has known. But sentiment cannot stay the forces which are so rapidly transforming our domestic institutions. Urban conditions are fast rendering home care of the sick as obsolete and anachronistic as blood-letting. The mother-nurse is doomed to go. It is in the cards. A few more generations and sick children in the big cities will see Mother only as a visitor at the hospital. They will recover from their illnesses in greater proportions perhaps than ever before; but they will have missed something too — something that the elders of their day will cherish as a most priceless memory.

The problem of premature physical decline

We come now to the problem of what may be called premature physical decline. It is a known fact that urban life, unless mitigated by sanative measures, has a degenerating effect upon the human body. The breathing of impure air, the want of the tonic benefits of sunlight, the lack of proper exercise, the consumption of improper, if not impure, foods, the nervous strain induced by the unremitting tensity of city life — these and various other abnormalities (from the physiological standpoint) of city life combine to produce a tendency towards premature old age in the physical sense. The mind may be young — younger indeed than the rural mind at the same age — and the body may be young in years; but the heart, the arteries, the kidneys, the alimentary system, and other vital parts of the human machine are old — very old — because of the excessive labor that has been laid upon them. The appalling increase of heart disease during the past four or five decades illustrates the point. A great many technical explanations are advanced to account for this; but the simple fact is that there are many more sixty-year hearts in forty-year bodies than there used to be, the heart having done sixty years of work in forty years' time. And what is true of the heart is true of other vital organs of the body. Urban life overspeeds the machine and causes its parts to wear out faster.

There is no sovereign remedy for this. We cannot slow down the processes of city life — we would not wish to do that if we could — but certain alleviative measures may be em-

ployed to counteract the tendency towards premature physical decline. Not the least important of these is medical service in the schools. The bend of the twig determines the inclination of the bough; the foundations of health must be laid in childhood. The child that reaches maturity with a good physical equipment has a better chance of a long and healthy life than one with defective bodily equipment; and we know that the city child needs a sounder physical equipment, relatively speaking, than the country child, because his body must function under more adverse conditions — conditions which place heavier burdens upon the vital organs. Medical service in the schools is of course a valuable aid in combating communicable diseases; but its greatest value is to discover and correct physical defects which would lead to future impairment of health and working capacity. As now conducted, school medical service covers a wide range of activities. Eyes, ears, teeth, tonsils, heart, and lungs are given special attention. The children are subjected to periodic examinations by competent practitioners. Defects discovered by these examinations are reported to parents or guardians, who are urged to have them corrected. Parents are usually expected to have this work done by private practitioners; but it has been deemed advisable in many places to provide for having it done at public expense, either in public clinics or by private practitioners at the expense of the public. Such assistance should be reserved for those who cannot afford to have the work done privately.

Counteracting physical decline

Medical service in the schools

Teachers are now required in many cities to make a daily check of health conditions among their pupils, and school nurses are employed to make the rounds daily and assist the teacher. The teacher's examination is in no sense a careful examination but is simply a casual inspection for the purpose of detecting apparently abnormal conditions that should receive further attention. The teacher refers all children having indications of sickness to the school nurse, who makes a more rigid examination. The nurse decides whether the case needs medical observation. The modern policy is to keep children out of school until there is definite assurance that they are not suffering from contagious diseases, and to use every possible means to see that they receive the proper corrective treatment for illnesses and disabilities of a non-communicable character.

Medical examinations in the schools

Nutritional troubles among school children have received

School feeding

much attention of recent years. Malnutrition, it has been discovered, results not only from insufficient feeding but also from improper feeding. Children of the better circumstanced classes of people suffer from malnutrition almost as frequently as those of the poorer classes. Malnutrition is such an insidious and permanent menace to health that many cities have made provision for school feeding to supplement the feeding of the child at home. School feeding does not undertake to supplant home feeding, but merely to supply the food values that are most generally neglected in home feeding.

Health education

Mention should be made also of the goitre prevention work in the schools that has been undertaken by many cities in the goitre belt. To compensate the iodine deficiency which is the alleged cause of goitre, provision is made, under competent medical supervision, to supply to the children at certain ages the necessary quantities of iodine in forms that can be easily taken. Health education is one of the definite objects of school medical service, and is one of its most valuable and lasting results. No person of middle age who compares what he as a school child was taught about the care of the human body with what the school children of today are taught can fail to be struck by the progress that has been made. The schools of the present day may not teach descriptive physiology any better than was done forty or fifty years ago; but when it comes to practical hygiene, the child of today gets instruction that was entirely denied to his forebears. In another decade or two the effect of this instruction is bound to tell tremendously in the state of public health.

Adult population difficult to reach

In dealing with persons beyond school age the campaign to prevent premature physical deterioration ceases to have the advantage of a definite point of attack. Much is being done, as we have already seen, to improve the physical environment of the modern urbanite — to better housing conditions, to purify water and food supplies, to eradicate filth, etc. — but little has been done that reaches the adult individual directly, as school medical service reaches the child. Persistent public health education by public agencies and by private organizations has undoubtedly penetrated the consciousness of our urban populations; but to what degree and with what results, it is possible only to guess. Hospital, clinical, and laboratory services have certainly had some influence in raising general standards of personal hygiene; but the exact weight of this in-

fluence can never be known. The most concrete achievements making for the betterment of urban physique and for its fortification against premature decline have not been in the field of medicine and hygiene, but in the field of recreation. By the provision of recreational facilities and the stimulation and organization of recreational activities the modern city has made it possible for the urbanite to build up his physical resources, maintain his native vigor, and thus combat the menace of untimely physical decline.

Recreation and health

Recreation is a broad term. It means more than play, more than bodily exercise, more than entertainment and amusement. It signifies in the broadest sense all those activities and processes whereby tired minds and bodies are refreshed and renewed, whereby reduced vitality is restored, whereby Nature's requirements as to sheer animal activity may be met. Recreation is both a physical and a psychological necessity, and we are coming to recognize that it is likewise a social necessity, an indispensable factor in the upbuilding of social solidarity and community consciousness. By their play, as well as by their works, shall ye know them.

Recreation was neglected in cities of the past.

City government of a generation ago recognized little or no obligation as to public recreation. Except for a few conspicuous idlers, the elders were prone to regard all forms of recreation as puerile, if not sinful; youth, if it must be diverted, could find plenty of opportunity for recreation in the open yards surrounding residences, on the numerous vacant lots, or in the open country which was not far distant. A few parks were laid out, more for decorative purposes and to gratify civic vanity than for recreational purposes. In the larger cities there were districts where yard-space and vacant lots did not exist, where the streets and alleys furnished the only space available for recreation; but out where the "better folks" lived it was not so, and who cared about the children of the slums? But the prodigious growth of cities and its concomitant changes in popular mores has profoundly altered the recreation question. A salutary hedonism has taken possession of the popular mind; we are no longer content to live in cities that afford no relief from the daily grind of mechanical civilization. We have seen open yards and vacant lots give way before the multiple dwelling; we have seen the forests and streams of the countryside brought under fence; we have seen the automobile destroy the safety of the streets; we have seen our prisons crowded with

youthful offenders who never had a chance for wholesome recreation; and we have seen our insane hospitals and asylums filled to overflowing with persons who have cracked under the remorseless strain of urban life. Small wonder that we have become enthusiastic about recreation; that we have advanced it to the front rank of municipal functions!

The duties of the city with regard to recreation

The first duty of the modern city with regard to recreation is to furnish facilities. These include parks, playgrounds, golf courses, tennis courts, swimming pools, bath houses, beaches, boulevards, gymnasiums, dance halls, and almost every other type of recreational utility that the imagination can picture. By no means all cities as yet supply their inhabitants with a complete outlay of recreational facilities, but all are moving in that direction. Private enterprise may supplement public facilities, but the full needs of the people can never be met by private action. The second duty of the city as to recreation pertains to the proper utilization of the facilities provided. Not only is it necessary to have custodians and caretakers, but also to have skilled and trained directors of recreational activity. All recreation involving games, especially competitive games, must be organized and supervised so as to get the maximum use of the facilities and to avoid friction and trouble among the participants. All recreation involving physical hazards of any kind must be supervised to insure the safety of the participants. The third responsibility of the city in the field of recreation is the regulation and supervision of commercial recreation. Commercial recreation — amusements parks, dance halls, night clubs, theaters, pool rooms, cafes, etc. — is not inherently bad; but the intensity of competition often leads the proprietors of such establishments to tolerate or even encourage dangerously immoral practices. For this reason commercial recreation must be subjected to close municipal supervision. A few words about each of these three fundamental tasks of the city in respect to recreation will make clear the magnitude of the city's responsibility.

Parks

Parks take the lead in municipal recreation facilities; it is a rare city indeed that has not taken steps to build up a fairly adequate park system. The closing up of the open spaces in both town and country has made the provision of parks imperative. The modern park is more than a gem of landscaping ornamented with " Keep Off The Grass " signs. We are subordinating beauty to utility — no, reconciling beauty and util-

ity, discovering that there need be no fundamental incompatibility between them. The modern park is planned for the every-day use of the people — for driving, hiking, horseback riding, picnicking, playing games, and less strenuous forms of diversion and relaxation. The grass and flowers may suffer somewhat as a consequence; but if the landscaping was designed in the first place with a view to combining beauty with utility, use can never mar the fundamental loveliness of the park. Modern authorities on municipal recreation have laid down the rule that there should be about one acre of park space for every two hundred inhabitants. The more important consideration, however, is not so much the aggregate park acreage as its distribution. Many a city has an aggregate acreage more than sufficient to meet the needs of its people, but so located as to be inaccessible and unserviceable to a large proportion of the population. What is needed is a system of parks so planned as to area and location as to satisfy the needs of all. The newer cities have been remarkably successful in developing splendidly articulated systems of large central parks, and smaller neighborhood parks linked up with beautiful drives and boulevards; but the older cities have found it prohibitively difficult and expensive to recast the solidified lineaments of city plan so as to make such a system of parks possible. Of late years there has come a demand for " natural " parks; that is to say, for making accessible to the people the beauties of nature in the virgin state. To satisfy this demand many cities have found it necessary to acquire large tracts of land outside their corporate boundaries. This frequently involves the interests of several municipalities and requires the formation of metropolitan park districts.

Playgrounds, beaches, swimming pools, stadiums, open-air theaters, botanical and zoölogical gardens, and the like are usually developed in so far as possible as integral parts of the park system. Where this is feasible, it is the sound procedure; but circumstances often justify the provision of special facilities in the way of playgrounds, swimming pools, and bath houses in locations where regular parks are not possible. The tremendous development of interest in athletic games during the past two decades has created an embarrassing demand for all sorts of playfields. No city has half enough tennis courts, golf links, baseball grounds, football fields, and other such facilities for athletic sports. It takes money in large quanti- **Playgrounds**

ties to provide these facilities; but the investment pays such large dividends, not only in better health, but in better citizenship as well, that we cannot afford to be niggardly in these outlays.

The provision by the municipal government of gymnasiums, dance halls, auditoriums, and other facilities for indoor recreation has barely begun in the United States although it has been common in European cities for many years. Private enterprise has supplied these things in the United States in so far as they have been supplied at all; but private enterprise is dependent either upon benevolence or upon the earnings of the enterprise itself, and both of these methods of financing have decided limitations.

The administration of recreation

In the administration of municipal recreational facilities there are two major problems: (1) that of the custody and care of grounds, buildings, and equipment, and (2) that of educating, directing, and supervising the public in the use of recreational facilities. It requires a large force of custodians and caretakers to look after the up-keep of parks, playgrounds, swimming pools, and the various other physical facilities for recreation. Janitors, watchmen, gardeners, foresters, and special workers of many other kinds must be employed and organized into an efficient force. This, however, is mainly a matter of personnel management, which is a subject that has already been treated in this volume at some length. The second problem of recreational administration is much the more difficult. To find a body of persons competent to supervise recreation is a most difficult task, first, because the supply of such persons is definitely limited, and, second, because the work is so seasonal that it is next to impossible to build up anything like a permanent working force. The supervision and direction of games, among both adults and children, is a task that calls for experience, leadership, and tact. Persons possessing these qualifications are not easy to obtain with the meager salaries usually paid by municipal recreation departments; and when they are obtainable the seasonal character of the employment makes it hard to weld them into an efficient working force. Perhaps the most successful method of surmounting these obstacles has been to maintain a small permanent force as a nucleus and to expand this as the seasonal demand increases by school teachers, college students, social workers, and other persons who may be available for part-time employment. By

employing the same part-time workers year after year it is possible to approximate a permanent recreational staff.

Regulating commercial recreation

The regulation of commercial recreation has come to be one of the most important of the city's responsibilities in recreational matters. A very large proportion, possibly a major part, of the city's population seeks recreation in (presumably) soft-drink parlors, pool rooms, night clubs, dance halls, theaters, and various other pleasure resorts that are operated on a commercial basis. It is a well-known fact that these institutions are prone to degenerate into centers of crime and immorality unless they are subjected to rigorous public supervision and control. The usual method of control is by license and inspection. The license controls the right to continue in business. It is granted upon the condition that the holder of the license conduct his establishment in strict conformity with the law, and may be summarily revoked if he is shown to be derelict in the enforcement of proper standards. The police are required to keep these places under close observation and report any untoward conditions found by them; and for dance halls, amusement parks, and some other pleasure resorts special inspectors on continuous duty while the place is open are found to be necessary.

Departmental organization for recreation

Up to this point our discussion of the problem of health and physical vigor in urban life has proceeded from the functional angle, dealing but incidentally with matters of administrative machinery. It is quite obvious, of course, that the activities which have come within the purview of the discussion could not be administered by a single department. As a matter of fact they are usually found to be distributed among several different departments — the health department, the park department, the school board, the police department, the water department, the engineering and public works departments, and so on. Yet it is desirable and important, because they all deal with one fundamental problem and contribute to the same end, that they should be more closely correlated than they are in actual practice. It would not do to lump them all into a single department; but it is likewise bad to keep them inseparably insulated. This suggests again the value of the staff and line plan of administrative organization which was described in Chapter XV.

Selected References

A. C. Hanford, *Problems in Municipal Government,* Chap. XIX.
W. B. Munro, *Municipal Government and Administration,* Vol. II, Chaps. XXIX, XXXV.
L. D. Upson, *The Practice of Municipal Administration,* Chaps. XV, XVII.
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Questions and Problems for Discussion

1. If there were a case of smallpox in the apartment building in which you live, what would you wish the health authorities to do?

2. What information must the city health authorities have in order to deal effectively with communicable diseases? From what sources must this information come?

3. In what ways does recreation aid in promoting better public health in urban areas?

4. Do you think the increasing tendency of city people to dine at public eating houses makes it harder or easier for the health authorities to protect the city's food supply?

5. Why is it more necessary to have extensive hospital facilities in the city than in the country?

CHAPTER XIX

EDUCATION AND CULTURAL BETTERMENT

Thinking is indispensable to human progress: that is a threadbare platitude — but why and how do we think? How can we be sure that man will continue to be distinguished from all other creatures by his ability to apply his intelligence to modifying and controlling the phenomena of nature as they relate to human needs and purposes? Thinking is not a self-engendered process. A person devoid from birth of sight, hearing, and feeling could never think, even though he might have the massive brain of a philosopher, because there would be no way of galvanizing his brain cells into action. The human brain is somewhat like a storage battery in that it must be charged and activated from without before it is capable of releasing its power. That is why education (using the term in its broadest sense) is so vital a factor in the progress of the race. Education is the process of stimulating intelligent mental activity, and intelligent mental activity is the means by which man has achieved dominion over his environment. Only an educated people can survive in the struggle for existence. It is easy to understand, therefore, why education has become one of the primary concerns of government.

The social importance of education

Education is also of vast importance from a political and economic standpoint. During the last century the governments of the world have been moving rapidly in the direction of democracy, and democracy presupposes popular control of government. The way in which the masses of people rise to this opportunity and discharge its responsibilities depends almost entirely upon the character and extent of their education. An uneducated people cannot govern themselves, even though they may have won the right to do so. Good citizenship and education go hand in hand. Therefore every people who would rule themselves must use their government to provide education for all the people, of such kind and in such measure as will enable them to utilize advantageously the political power which democ-

The political and economic importance of education

racy has bestowed upon them. The common theory is that democracy stands for equality of opportunity as well as equality of political right; and it is perfectly obvious that if there is to be such a thing as equality of opportunity, it must come from equality of educational privilege.

Then, too, education is a controlling factor in the economic progress of a people. Needless to say, the capacity of a people to utilize the resources of nature, to develop and apply the technical processes which are necessary for the fullest fruition of trade and industry, to build and maintain the complicated social institutions which are requisite for economic advancement depend upon the extent and reality of their education. It is no mere coincidence that the most successful peoples in the struggle for economic ascendancy — for markets, trade routes, financial dominion, industrial supremacy, etc. — are the best educated peoples. Compare Japan with China, Germany with Russia, France with Italy, Great Britain with Spain (her quondam rival for world supremacy), the United States with Mexico. Making every possible allowance for inequalities as to natural resources and advantages (in some cases the less successful country has been much more favored by nature), it must nevertheless be admitted that something must be attributed to differences — profound differences they are — in the education of the people.

Education is nowhere regarded as strictly a function of local government. On the contrary, it is a function for which the central government assumes primary responsibility and control, merely delegating to local authorities certain functions of administration under general law. This is true in both Europe and the United States. The central government determines the organization of the local school authorities, prescribes in part at least the curricula of the schools, fixes the qualifications of teachers, establishes standards for school buildings and equipment, and maintains a large degree of financial control over local school affairs. In European countries, particularly in France, Germany, and Italy, central control goes much farther than this — so far at times as to destroy every vestige of local autonomy.

Education is primarily a function of the central government.

It is not often that city government as such is vested with direct responsibility for the administration of the public school system of the city. England is the only country in which this is universally true. There the management of city schools is

entrusted to the municipal (borough) council which acts, in this as in all other matters, largely through a standing committee. The council also appoints a board of managers for the immediate direction of the elementary schools. However, all of the work of the city government in educational matters is carried out under the general educational laws of the country and the regulations promulgated thereunder by the national ministry of education. In France the department, not the commune, is the administrative unit for public schools. The prefect appoints the teachers and other officials, and the departmental council regulates school affairs — all under the immediate control of the national ministry of education at Paris. The municipalities (communes) are required to provide school buildings, but the instructional force is paid by the national government. In Germany the province and the administrative county are the basic units for school administration. The provincial and county school boards, under the control of the central ministry of education, practically dominate the operation of the school system. Each city has a school deputation, joint commission, or board, as it may be variously called, which has powers of a minor and advisory character. It may, for example, nominate teachers from a list supplied by the central authorities or provide buildings and equipment with the sanction of the central powers. In the United States the school system is usually distinct from the city government. It is customary for a school district to be organized as a separate corporation with financial and other powers quite independent of the city. The boundaries of the school district may or may not be coextensive with those of the city. The school district has its own system of government — usually a board of education elected by the voters. This is the rule in about three-fourths of the cities of the country; in the remainder the school boards are chosen by the mayor of the city, the city council, or the local courts. The degree of control over school affairs resulting from the appointment of school board members by municipal authorities varies considerably. In New York City the mayor appoints the members of the board of education, and the appropriations for the support of schools are granted by the board of aldermen upon recommendation of the board of estimate and apportionment. This is far more control over school affairs than most city governments have even where the members of the school board are chosen by the city government. It

The relation of city government to the public education system

is customary to give the school board considerable financial independence, even though keeping it politically dependent upon the city government.

Complications resulting from divided control

Our interest here is not in the technicalities of school organization and administration, but in education as an urban problem. The fact that schools of the city are more or less completely removed from the jurisdiction of the city government may simplify that problem in some respects, but in some ways it is infinitely complicating. Where the central government keeps the reins entirely in its own hands, leaving to the municipality the function of coöperating in matters of secondary importance, local needs and local problems must all be carried to the central authorities. Where school administration is confided to a separate local corporation, as the school district in the United States, there are exceedingly troublesome problems of duplication and non-coöperation. The English system possesses the admirable virtue of avoiding both horns of the dilemma, providing for the complete integration of education with other processes of municipal government and at the same time for generous local autonomy in educational matters under central supervision. In the United States we have the local autonomy but not the organic unity of local administrative machinery. We are afraid to entrust education to our city governments because we distrust municipal government and municipal politics. We wish to keep education out of politics, or politics out of education (it amounts to the same thing), and we feel that this may be accomplished by detaching school government from the municipal government proper. It does not always work out that way: school district and school board politics frequently prove to be even more vicious than the regular brand of municipal politics.

The problem of adapting educational policies to urban needs

Educational policy is the thing of vital importance, important though educational government may be. The little red schoolhouse where the three R's were so efficiently and romantically taught, to the mind of Mr. Henry Ford and other reminiscent folk of the present day, was a rural institution. It would not be wholly unsuited to rural conditions even today. But the little red schoolhouse and its simple program were never suited to urban conditions. The country boy gets a large part of his education outside the schoolroom, and it is real education, too. Nature reveals her secrets to him, supplies him with a priceless fund of practical knowledge; he acquires skill

in the use of tools, disciplines his mind as well as his body with the practical mechanics of husbandry; bargaining, trading, "dickering," and other wit-sharpening exercises are a part of his daily experience from early childhood; emergencies of all kinds are common on the farm, and he learns how to meet them; from infancy to maturity he is an integral part of a highly educative system of life. Experience opens her pages to him, and teaches him many of life's most valuable lessons. Crowning this education with a thorough discipline in the three R's makes him a fairly well educated man. The city boy has no such advantages. Unless thrown on to the streets to make his way, he spends his youthful years in an artificial and often very sheltered world. And even when he is obliged to shift for himself, the experience he gains on the streets of the city does not have the all-around educative value of the farm boy's. It is narrowing, distorting, warping.

What the city schools must do

The city schools are therefore called upon to do more educating than the country schools. City life is highly organized, complicated, artificial, and enormously competitive. The three R's and the other common branches do not afford an adequate education for city life any more than they would for country life if they constituted the principal or sole education of country youth. Academic education embracing all the traditional subjects is still necessary and valuable, but it no longer monopolizes the school curriculum as formerly. Using the three R's as a foundation, the schools of the modern city undertake to give a course of training that will enable the youth of the city to fit naturally into the urban scheme of things. Drawing, manual training, metal working, domestic science, domestic art, and music are taught as cultural subjects, with the object primarily of broadening the experience and stimulating latent abilities and interests. Nature study has become a veritable fetish, so impoverished is the city child in his contacts with nature. Physical training and health education receive a constantly increasing amount of attention, and civic training is coming to be stressed above all things else. By these additions to the school curriculum we are striving to give the city child something of the same all-around development that the country child acquires very largely through experience, and to do it more completely and more perfectly than it can be done in the school of experience alone.

City schools are also becoming acutely conscious of another

obligation that does not rest with equal weight upon the country schools — namely, vocational training. Undoubtedly the country child can learn much about agriculture from the special courses in agricultural training that are now being offered in many of the rural schools; but his fundamental training comes from experience on the farm, and the schools merely endeavor to supplement this and round it out. But the daily experience of the city child does not fit him for or lead him to any definite vocation. The schools, therefore, have assumed the responsibility of vocational training. In all of our large cities now we have trade schools, technical schools, commercial schools, art schools; and if special schools have not been established, we find vocational courses — typewriting, shorthand, bookkeeping, printing, mechanics, electrical work — invading the regular schools and threatening to monopolize the curriculum.

Growing importance of vocational training

The specialized and selective character of urban school systems

More and more the tendency is towards specialization and selection. Academic training leading through high school to the colleges and universities is still available; but it is not for the great mass of pupils who crowd our city schools. Most of these are bound to be shunted off, either by their own choice or by selective processes which demonstrate their lack of qualification for higher education, into vocational schools and vocational training courses. This does not mean that the city has no obligation as to higher education. It has. Higher education is a matter of vast importance to the city. The city must depend upon higher education to develop that higher leadership which is essential to municipal progress; but that is no reason why it should neglect those who are not qualified for careers that require higher education. In the past the city schools had little to offer the child whose limitations debarred him from a professional career. Today they have much to offer that child. They are undertaking to teach him to make the most of the faculties he has. If he does not have the capacity to make an engineer, he may have the capacity to make an excellent mechanic, and the city needs good mechanics just as much as it needs good engineers, and more of them. If he does not have the capacity to make a financier, he may have the capacity to make a fine bookkeeper, and bookkeepers are just as necessary in business as financiers. So in the various other fields of endeavor; there are those whose abilities qualify them for work requiring intellectual attainments, and there are those whose abilities qualify them for work requiring man-

ual dexterity or concrete facility. Justice demands that both types be given an opportunity to develop themselves to the fullest extent of their respective capacities.

Higher education in the city is represented by normal schools, junior colleges, and universities. Many of the larger cities have found it necessary to establish normal schools for teacher-training in order to be able to staff their public school systems properly. The state normal schools find it impossible to adapt their curricula directly to the needs of the city, and oftentimes cannot supply graduates in sufficient numbers to furnish the city schools with teachers of requisite preparation and experience. The junior college is a relatively recent development, and provides for that growing number of high school graduates who need or desire advanced training but cannot go away to college. It offers two years of collegiate work. Municipal universities are not very numerous, but promise to become so if the demand for collegiate training continues to increase. Very few cities of 100,000 or more inhabitants cannot afford to support a municipal university if it is properly correlated with the existing educational facilities of the city. Nearly every large city possesses the basic ingredients of a university in its library and high school systems; and these could be organized for university work without serious difficulty. The junior college movement promises much along this line.

Higher education in the city

Most large cities now provide special educational facilities for the blind, the deaf, the crippled, the mentally defective, and other classes of persons afflicted with handicaps that unfit them for the regular procedure of the public schools. Many of these unfortunates can be rendered wholly or partially self-supporting if given the proper educational training. Adult education is another of the newer ventures of the school system in the United States. This work usually begins with night classes in English and citizenship for foreigners, but soon branches out, under the spur of popular demand, until it comes to include many of the subjects that are taught in the day schools. So complete is the work of the night schools in some of the larger cities that it is possible for a person to obtain a pretty fair education by going to school only at night. Other forms of adult education, less systematic and exacting than night school courses, are lectures, concerts, exhibits, and various other attractions that are conducted in conjunction with the school system. Some school boards have gone so far as to

Special educational services

establish regular series of lectures, concerts, and so on, entirely underwritten by the public treasury.

Cultural betterment

The school system, however, is designed primarily for the young, and its methods of instruction are on the whole formal and didactic. There is need for another type of education, less formal and methodical, which for the want of a more precise term we may call cultural betterment. By cultural betterment we mean improving the capacity of the people to understand, appreciate, and enjoy the arts and sciences which have done so much for the enrichment of human life — literature, drama, music, painting, sculpture, natural history, anthropology, etc. The institutions which render this sort of service to the community are libraries, museums, art galleries, theaters, auditoriums, orchestras, and the like. In Europe such institutions have been publicly supported and maintained for many years, but it is only recently that a similar development has taken place in the United States.

The public library

The public library is the most universal institution for cultural betterment. Nearly every self-respecting municipality now has its public library. It is primarily a medium for the circulation of fiction — and none too good fiction either — but it has its quota of non-fictional works, usually classics and standard reference works. Public libraries have greatly widened the scope of their activities during the last few decades. Many of them conduct special reference and research services for business and professional men. Nearly all of them have special collections and specially trained librarians for children. Women's clubs, reading circles, and other organizations with cultural objects find special service awaiting them at the library. Libraries often present art exhibits and sometimes commercial and industrial exhibits. In the larger cities the work of the library has become so voluminous that it has been necessary to establish a chain of branch libraries serving all parts of the city. The public library system is usually under the government of a library board whose members are appointed by the mayor of the city. Appropriations for the support of the library are generally made by the city council.

Galleries and museums

Municipally owned and conducted art galleries and museums are not uncommon in Europe, but in the United States they are rather rare. Art is not yet regarded as a public necessity in this country; hence the feeling that institutions devoted to

art should be supplied by private enterprise. The same thing is true of theaters and concert halls, but, curiously enough, not of great civic auditoriums. The "auditorium wave" has swept over this country during the past two decades, and at the present time there is scarcely a city of magnitude in the country that has not built or is not making plans for building a huge civic auditorium capable of seating several thousand persons. These buildings are principally used for great conventions and expositions, but are also employed for pageants, theatricals, grand opera, orchestra concerts, and athletic events. Civic vanity, spurred on by commercial interests likely to profit from the drawing of great crowds to the city, is largely responsible for this remarkable development in public ownership. Municipally supported orchestras are exceptional in the United States, but in European cities the orchestra is regarded as a regular municipal institution with just as good claims on the public purse as any other municipal institution. American cities quite frequently support brass bands, or pay them for giving concerts in the public parks; but orchestras have not yet advanced so high in popular favor.

Other cultural institutions

Perhaps it will not be amiss, in concluding this chapter, to make a few remarks about private educational institutions. Some of the most valuable educational work that is being done is in the hands of private institutions. Private schools — elementary, intermediate, secondary, and collegiate — flourish in considerable numbers in all cities. Some of these are parochial schools supported by religious denominations, and others are entirely undenominational. The denominational institution flourishes because it offers religious training, which is beyond the scope of public education. Other private schools are conducted for profit, or are maintained by philanthropic persons who are interested in special types of educational work. The city and state school authorities do not as a rule have any jurisdiction over these institutions except to see that they comply with the general requirements of the educational code as to work which is to be accepted by the public authorities in lieu of public school work.

Private educational institutions

Private libraries, museums, and art galleries exist in great numbers. Most of these, in all except ownership and administration, are public institutions. They are open to the public without charge (at least part of the time), and are established for the performance of a public service.

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Questions and Problems for Discussion

1. Is extensive education of all classes of people more essential in an urban than in a rural democracy?
2. Do you think the English system of educational organization and administration would work under American conditions?
3. Is the modern movement for adult education an unwarranted extravagance?

CHAPTER XX

ECONOMIC PROTECTION AND ASSISTANCE

Nothing shows more strikingly the distance travelled by urban society in the direction of socialization than the paternalistic activities of modern city government in furtherance of the economic well-being of the people. The propriety of political paternalism in matters of safety, health, and education has never been seriously challenged; but matters having to do with the provision of food, clothing, shelter, and other material requirements of life have, until recent years, been deemed outside the proper scope of governmental activity. The eighteenth century doctrine of *laissez faire* was predicated upon the hypothesis that individual initiative was fundamentally more competent than collective action to solve the problems of economic life, and that governmental intervention in the economic sphere was, therefore, both unsound and deleterious. Individual freedom should be subjected to governmental restrictions only to such an extent as might be necessary to preserve the integrity of the social fabric; and since it was readily apparent that safety, health, and education were prime necessities for social stability and perpetuity, governmental limitations upon individual freedom for the advancement of these objects were grudgingly admitted to be necessary and proper. Economic well-being, however, was not regarded as a matter of prime concern to society; each individual was deemed fully able to safeguard and promote his economic welfare without the assistance of organized society.

The old idea of "laissez faire"

The urbanization of the modern world has done much to shatter this comfortable illusion. It cannot be maintained in the face of the hard facts of city life. When myriads of people are crowded together in a small urban area, the bread-and-butter problem is enormously complicated. Individual initiative is handicapped by a thousand and one capricious and uncontrollable factors that do not exist in rural society. The individual must have protection and assistance in many ways

How urbanization has overturned the doctrine of "laissez faire"

to enable him to overcome these adverse conditions and satisfy his economic needs. And society, through the agency of government, must furnish the needed protection and assistance, not only in order to help the individual but also to prevent the ruination of the social system by the economic misfortunes of its members. As a matter of necessity, therefore, government, and especially city government, has embarked upon the stormy seas of economic paternalism. Not only the property-owner, as in times past, but also the wage-earner, the consumer, the indigent, and the unfortunate are objects of governmental solicitude and care.

We shall not attempt to catalog here all the activities of government for the protection and assistance of the people in economic matters. As the processes and operations of economic life develop from a local to a national and an international basis, there is a pronounced tendency for the general government to occupy more and more of the field of economic regulation, leaving to city government only those matters which are of distinctly local concern. But even so, there remains to the city a large and rapidly growing obligation to safeguard the economic interests of its inhabitants and promote their economic welfare. In discharging this obligation we now find city government all over the world assuming such functions as the regulation of public utilities, zoning, the inspection of weights and measures, the regulation of housing facilities and rentals, the provision of publicly owned and operated markets and port and terminal facilities, the supervision and control of privately owned facilities of the same character, the operation of employment bureaus, and the care of the indigent and unfortunate classes — all of which have as their fundamental objects the protection of the people against economic exploitation and the advancement of their material welfare.

The economic functions of city government

We shall deal first with the protective activities of city government in the economic sphere. The most conspicuous of these is the regulation of public utilities. That is a subject of such transcendent importance that we shall treat it separately in a subsequent chapter. For the same reason we shall reserve to a separate chapter the subject of city planning and zoning, which is also one of the major activities of city government in the field of economic paternalism.

Municipal control of housing we have mentioned previously as an expedient for the promotion of public safety and health.

From that standpoint the city's concern is with the constructional side of the housing problem; from the economic standpoint its concern is mainly with the legal relations of landlord and tenant, the rentals charged for housing space, and the adequacy of housing facilities. The relations of landlord and tenant have presented difficulties from the earliest dawn of the institution of private property. The relationship is one of contract, and the two parties presumably stand in the position of equal bargainers. In the great cities, however, this is not the case. The concentration of real property in the hands of relatively a few individuals and corporations, and the necessitous conditions of the great mass of people destroy the equality of bargaining power as between landlord and tenant. The trump cards are all thrown into the landlord's hand; the landlords being few and backed by large capital are able to stand pat on terms which the tenant must accept or move his household goods onto the street. If he does not accept the terms, some other tenant will; and he will probably find no other landlord who will give more generous terms. To say that landlords have taken advantage of this situation to drive hard bargains is putting the case mildly; they have exploited the tenant mercilessly — tied him in a contract that raised his obligations and reduced the landlord's to the barest minimum.

Municipal control of housing

The unfortunate tenant can obtain no relief from this inequitable relationship unless the government comes to his aid with legislation regulating household leases so as to equalize the rights and obligations of the two parties. A vast amount of such legislation is now found in our statute books. There is, for example, legislation regulating evictions, requiring adequate notice and fair treatment; legislation regulating the provision of necessary facilities such as gas, electricity, and water; legislation regulating the heating of tenement and apartment houses, requiring the buildings to be heated to fixed temperatures at stated periods of the year; legislation (very extensive legislation in Europe and some in the United States) regulating the rents chargeable for housing space — in fact legislation covering almost every phase of the leasehold relationship. Most of this is for the protection of the tenant, although certain rights are conferred upon the landlord which he would not otherwise have without special terms in the lease. There has been a tendency in recent years for the central authorities to enter this field; but the major responsibilities

Regulating the relation of landlord and tenant

both in legislation and administration still remain with the municipal authorities. It is a municipal problem, for the local government to solve. Serious constitutional difficulties, involving the fundamental guarantees in the state and national constitutions, have arisen in connection with the enforcement of such protective legislation in the United States; but there are no such difficulties in Europe.

The cessation of normal building operations during the World War of 1914–1918 brought to a head the problem of housing shortage which had been gradually developing in all parts of the world. The shortage of housing facilities became so great that great hardship and suffering were experienced by people of all classes. Rents kited to unprecedented heights, and in many instances there was insufficient housing space at any price. To meet this emergency various expedients have been employed. Municipal construction and ownership of tenement houses has been tried in various parts of Europe, but has not been completely successful. More fruitful has been public aid to private building enterprises. This has been accomplished chiefly through loans, tax exemptions, and tax differentials. European cities have been very successful in stimulating the right sort of building by financing the cost of construction through loans to builders on easy terms. American cities have made little or no use of the loan plan. Both European and American cities have made use of tax exemptions to encourage building; and some European cities have worked out a plan of tax differentials whereby the taxes are graduated according to the type of construction and the use of the building, the idea being to give lower rates to the most desired structures. In all these endeavors the object of the city government is not so much to assist property owners in the erection of buildings as to relieve the great tenant class of the distress and suffering incident to a serious housing shortage.

Coping with the housing shortage

The inspection and regulation of weights and measures is another activity of city government that is designed for the protection of the people against economic exploitation. The ancient rule of *caveat emptor* is still part of the law in most countries; but, like the older law of leaseholds, it is ill suited to the conditions of city life. Under urban conditions seller and buyer do not deal on equal terms. The advantage is all with the seller; he not only knows more about the commodity

Control of weights and measures

itself than the buyer can know, but he also owns and controls the weighing and measuring equipment which is used in the transaction between himself and the buyer. When the law says *caveat emptor* — " let the buyer beware " — it does not even give him a chance. All the " bewaring " that his caution can suggest cannot save him from exploitation by an unscrupulous merchant who " doctors " his weighing and measuring devices. To protect consumers against this form of economic exploitation governmental regulation and inspection of weights and measures is necessary. Sometimes this function is taken over by the central authorities, but generally it is left to the city. And experience has shown that supplementary action by the city government is desirable even where the central government assumes the chief responsibility. The essential step in the regulation of weights and measures is for the government by careful legislation to prescribe standards with which all weights, scales, and measures in commercial use must comply, and then by periodic inspection to check up on the practices of vendors in adhering to these standards. The laws governing weights and measures usually call for a regular annual or semi-annual inspection to determine whether the equipment in use complies with the legal standards. If so, the seal or stamp of official approval is placed upon it; if not, it is marked as condemned, and may not be lawfully used until it complies with the requirements of the law. These regular inspections are supplemented by special and unannounced investigations from time to time for the purpose of detecting fraudulent practices which might be concealed at the regular inspection.

The prevention of adulteration

Similar to the regulation of weights and measures by law is legislation designed to protect the public against the sale of adulterated and shoddy products. The spurious commodity may be no more dangerous to life and health than the genuine one — may even be superior in some respects — but it is not what the consumer pays for and thinks he is getting. The complicated processes of production and distribution in urban society make it difficult for the buyer to protect himself against this sort of fraud; and the government accordingly must come to his rescue. Nearly all cities have ordinances forbidding the sale of adulterated products, and many of the larger cities maintain laboratory and inspectional services for the enforcement of this legislation. Oftentimes the municipal

legislation is merely supplementary to the acts of the general government in this field, but in some cases the field has not been occupied by the general government at all. Along the same line is legislation regulating the activities of pedlers and house-to-house canvassers. Consumers are easily victimized by these transient vendors unless protection is afforded by stringent legislation.

Economic assistance

Hand in hand with economic protection goes economic assistance. It is difficult sometimes to tell where the one leaves off and the other begins. Two kinds of economic assistance are commonly rendered by city government: (1) assistance designed to benefit the general public, and (2) assistance designed to benefit specific individuals. One of the commonest examples of the first type is the provision of municipal markets, where producers may sell directly to the consumers under the supervision of the city government. The chief object of

Markets

municipal markets is to enable the people of the city to purchase foodstuffs at the lowest prices possible. The city provides the ground or floor space and rents it (the charge is designed to cover the cost of market administration only) to the farmer, who brings his produce directly from the farm to the market stall and sells at figures lower than the prices normally demanded in the regular trade. A great many vexing problems arise in connection with the operation and management of such markets. Location is a vital one, for if a market is situated where it cannot be easily reached by the shopping public for whose benefit it is intended, it is bound to be a failure. The administration of markets so as to insure the sanitary handling of foodstuffs and to secure the observance of proper business practices is also difficult. It is necessary as a rule for the city to place each market under a competent superintendent and a trained staff of inspectors. In a like manner the city undertakes to regulate private markets, retail curb markets, and hucksters.

The provision of terminal facilities

For the purpose of helping to lower prices to the consuming public a number of cities have undertaken to provide port and terminal facilities which will simplify the processes and reduce the staggering overhead costs of wholesale and retail trade. The terminal problem is most complicated, for it involves the proper coördination and articulation of railways, steamship lines, and trucking concerns to secure the most economical handling of commodities in course of trade. Not

many cities have been able to carry out a thorough and comprehensive program of terminal development, but a great many have undertaken to establish docks, terminal warehouses, and storage facilities, which are leased at moderate terms to shippers and distributors. Though these facilities have been provided primarily with a view to attracting business to the city and building up its economic resources, it is also expected that they will result in lower prices to the consumer. In the same way the whole public ownership movement, which will be discussed in a later chapter, may be viewed as an endeavor to secure for the inhabitants of the city certain indispensable utilities (chiefly water, gas, electricity, and street railway service) at the lowest possible cost. In connection with municipally owned utility enterprises a great many cities have embarked upon merchandizing in lines related to the utility service, operating retail stores in which they sell various kinds of equipment (gas and electric stoves, lighting fixtures, plumbing equipment, etc.) to be used in conjunction with the utility service operated by the city government. Some few cities have departed from the conventional types of municipal utility ownership and are adventuring in new fields, such as the operation of municipal fuel yards and municipal ice plants. In European cities the municipal abbatoir, or slaughter-house, is a universal institution; but in the United States the slaughtering and packing industry has remained entirely in private hands. All these services are primarily designed to advance the general economic well-being of the community, but may be partially justified in some instances on grounds of safety and health.

Public ownership

Economic assistance for specific individuals rather than for the general public takes many different forms. One of the newest of these is legal aid. The poor and ignorant are in a particularly unfortunate position as regards their legal difficulties. They are constantly confronted with questions of unpaid wages, the exactions of loan sharks, controversies over installment purchases, household leases, liabilities in traffic accidents, and the like. The amount involved rarely is sufficient to warrant the employment of a lawyer, and they seldom know of a reliable legal practitioner to consult when the amount is great enough to justify it. For many years private social agencies have maintained legal aid bureaus for the assistance of this class of people, and now our city governments are beginning to

Legal aid

take over this work. Legal aid bureaus are now being operated in a considerable number of cities in connection with the welfare department, the corporation counsel's office, and even the municipal court. These bureaus, staffed by competent attorneys, render free legal advice to persons who come to them in need of assistance. The legal problems of the lowly may not involve money enough to justify the employment of an attorney, but they are just as important to the humble citizen as cases involving huge sums are to the persons of wealth. By extending legal aid to the poor and under-privileged the city helps them to secure justice and greatly better their position in the economic struggle.

Employment agencies

The operation of free employment agencies is another economic service which city government renders to those of its citizens who stand in need of special assistance in order to find employment. The economic security of the urbanite depends upon continuous employment; distress soon dogs his heels if he is out of a job, for he must pay cash for his living and for the most part pay as he goes. There is always a large class of persons whose limitations of education, personality, and ability make it difficult for them to obtain permanent employment. Many others are thrown out of work by constantly recurring periods of business depression and various other maladjustments in the economic life of the city. For the assistance of this ever-too-large army of unemployed persons nearly all large cities now maintain free employment bureaus, which function as clearing-houses for job information. A person seeking employment, by supplying the required information about himself, may register with the city employment bureau. This bureau undertakes to secure all possible information as to jobs available and solicits the active coöperation of employers in using its facilities. Its function is to find the job and bring the employer and job-seeker together. This service is especially valuable to unskilled workers and to persons of mediocre attainments who have very few other avenues to employment. Municipal employment bureaus are often operated in coöperation with state or national employment agencies, and may then serve the unemployed class somewhat more effectively. Private employment agencies, appealing usually to a much more restricted and specialized clientele than any of the municipal bureaus, flourish in almost every city. These private agencies are generally subjected to some degree of municipal supervision and

regulation to safeguard the persons resorting to them from exploitation.

Another form of service largely for the unemployed, and particularly for those of the transient class, is the municipal lodging house. Many cities maintain institutions of this sort. Impecunious persons may apply for accommodations at the municipal lodging house, and receive a bed and possibly a meal a day. Sometimes a small charge is made, sometimes labor is exacted, and often the accommodations are given without charge. This relief is granted for a limited period only. Where the city does not maintain a lodging house, it often provides accommodations at the police station. Similar institutions are very frequently maintained by private charity.

Municipal lodging houses

Only in the last quarter-century has city government undertaken to do much in the way of direct relief of poverty. To a large extent this responsibility has been left to private philanthropy; and when it has been assumed by the public the work has devolved more largely upon county, state, and national units of government than upon the cities. In all the larger cities, however, the problem of poverty has so outgrown the capacity of private agencies and has so overloaded the welfare agencies of county, state, and general government that it has become necessary for the city government to undertake various supplemental activities for the mitigation and relief of poverty. The most common charity on the part of city government is outdoor relief. By this is meant direct assistance in the way of food, clothing, fuel, rent, or cash to needy persons. As a rule this form of relief is given only where it is deemed expedient and economical to help a family keep together by direct subsidies rather than to break up the family unit by committing its members to institutions. The allowance made is proportionate to the needs of the family during the period of distress, and should be made only upon recommendation of a competent investigator. There is great danger of abuses creeping into the administration of outdoor relief; and for that reason it is highly desirable that the work should be under the constant supervision and control of trained social workers attached to the welfare department. Politics should play no part whatever in the distribution of outdoor relief.

Municipal charities

Outdoor relief

Indoor relief, more properly called institutional relief, is common in the larger cities, but not in the smaller ones. Only the larger cities maintain almshouses, homes for the aged, homes

Institutional relief

for orphaned children, and similar charitable institutions. It it an unfortunate fact that these institutions have not on the whole been well administered. Through politics in the appointment of superintendents and employees, serious abuses have crept in, and it has often seemed that the sufferings of the poor were in no degree alleviated by commitment to an institution. Aside from institutions devoted exclusively to charitable work, much is done for the succor of the indigent by such institutions as city hospitals and clinics. In many cities where no municipal institutions are operated by the city government for the relief of poverty, generous sums are appropriated from the city treasury to subsidize private charitable institutions; and in some cases the city both subsidizes private institutions and operates institutions of its own. But great care must be taken to keep tab on the use of city funds and to insist upon the maintenance of satisfactory standards, or serious abuses may arise.

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Questions and Problems for Discussion

1. Resolved, that the investment of municipal funds in the establishment and operation of public markets is an unwarranted use of public funds for the benefit of private individuals. Argue the foregoing question.

2. Do you think a merchant has just ground for protest when the city government compels him to submit to inspection and regulation of weights and measures?

3. Where should the city draw the line in rendering economic assistance to its inhabitants? Do you think there is as much justification for the city to take steps to protect its people against fraud in the sale of theater tickets as in the sale of foodstuffs?

4. Do you think charities should be supported and administered by public or by private funds?

CHAPTER XXI

MUNICIPAL UTILITIES

Not long ago in a remote rural district an eagle in flight at dusk plunged into the transmission lines of a big electric power company and for an hour or more paralyzed the life of a great city. During the interval between the breaking of the lines and the restoration of the service not a single incandescent bulb was alight throughout the city, no electric motor could operate, no street-car was able to move, no theater was able to carry out its program, no factory, store, or office was able to operate on a normal basis, no surgeon or dentist could go on with his professional work, no traffic signals flashed instructions to confused motorists, no housewife could use her electrical equipment to prepare the evening meal — in a moment the city of light and bustle and movement was transformed into a city of dreadful night. This incident dramatically illustrates the dependence of the modern city upon its public utility services. One need only contemplate the calamitous results of shutting off the water mains, cutting off the distribution of gas and electricity, stopping the street-cars and busses, or breaking off the telephone service in a modern city to realize the vital importance of public utilities. Domestic, industrial, and commercial life as conducted in the city of today have been made possible by our marvelous public utility services; without them urban civilization would quickly sink to primitive levels. Urban life might somehow manage to go along without water piped to each household, without gas, electricity, or telephones, without street-cars, subways, or busses; but what a crude and hapless existence it would be! And how destructive of all those things which make city life enjoyable and fruitful!

The dependence of the modern city upon its public utilities

Because of the transcendent necessity of public utilities in modern city life the relation of these services to the public is a matter of supreme importance. Those who control and operate public utilities, and those who determine their rela-

tions to the clientele which they serve, are in a position to do enormous harm or equally enormous good to the well-being of the community. The public utility business is not like any other business; it is what the lawyers call "a business affected with a public interest." It is affected with a public interest, in the first place, because it cannot be conducted without special privileges which encroach upon the rights of the general public, and, in the second place, because the services rendered are of such tremendous importance to the welfare of all the people. The streets of the city are for the use of all the people on equal terms, and it is an established principle of law that no one may use the streets to the detriment of others. Public utilities, however, must be permitted to dig up the streets for the laying of pipes and conduits and to use the surface of the streets for the laying of tracks, the erection of poles, the stringing of wires, and so on. The impediments which they place upon the streets do invade the rights of the public, and for that reason the public has an interest in the conduct of the public utility business which it does not have in businesses requiring no special concessions in the use of the streets.

Public utility business is "affected with a public interest."

Furthermore, the public utility business is inherently monopolistic. Competition between public utility companies is seldom beneficial to the public and is often disastrous to the business itself. It is rarely possible for a city to have two or more competing water supply systems, because there is as a rule only one available and adequate source of water. Competing telephone companies are a nuisance rather than a benefit to the public, because a person must subscribe for the services of all or be seriously limited in the extent of his telephone connections. Competing street railway companies cannot operate on the same streets, and therefore in order to enjoy the benefits of competition the public must endure the encumbering of many more streets than the rendering of adequate transportation service requires, and tolerate the inconvenience of being unable to transfer freely to and from lines serving different territories. Gas and electric companies cannot compete without greatly overburdening the streets, and then if a householder desires to transfer his patronage from one to another, he must stand the inconvenience, cost, and delay of installing new connections and new equipment.

Public utility business is inherently monopolistic.

Nor is competition desirable from the standpoint of the utility business itself. The utility concern which loses in a

competitive struggle cannot be allowed to remove its equipment from the streets and go out of business. That would leave the people served by it in a desperate plight. It must either continue to do business at a loss or sell out to its rivals at their own figures. And the company which wins in warfare between utility companies often loses more in the end than it gains by its victory, because it cannot extend its business greatly without taking over its unsuccessful rivals. If it could discontinue at will the services of its defunct rivals, it might profit by driving them out of business; but it is usually obliged to take them over and continue most of the operations as before. This encumbers the victorious competitor with more plant and equipment and operating costs than are necessary to serve the community economically, and frequently leads to financial disaster. The plain fact is that monopoly in the public utility business is more congenial to the interests of both the public and the company than is competition; but monopoly is a matter of grave concern to the public, because the monopolist has coercive power over the public, especially when the monopoly involves vital utility services.

Competition dangerous to the utility business itself

Seeing, then, that the utility business is deeply and peculiarly affected with a public interest, it is obvious that it must be subjected to public control. This is necessary in order to protect the public against abuses of power on the part of utility companies, to insure the quality of service required by the public, and to keep the charges of utility companies within reasonable bounds. The special privileges of utility companies in respect to the streets may become the source of serious and unnecessary inconvenience to the public if the companies are not held in check by public control; the monopolistic power of the utility company may enable it to gouge the consumers extortionately and to subject them to unreasonable treatment unless it is curbed by public authority; the service rendered by public utility companies may be very unsatisfactory — disgracefully so, considering the rates charged — unless they are held up to high standards by means of public regulation. These facts were not as clear in the early history of public development as they are today, and consequently many mistakes were made which would not be repeated if we could begin anew with the knowledge that has been gained through painful experience.

Why utilities must be subjected to public regulation

The story of public utilities usually begins with water supply. This has been a public problem ever since men began building

cities; gas, electricity, telephones, and transportation are all developments of the last century. The vital importance of water supplies to life and health has been recognized since the earliest dawn of civilization; all the great cities of the past, from those of remotest antiquity in Egypt, Chaldea, China, and India to those of Greece and Rome and the more recent past, were forced to make some provision for and to develop some policy in respect to public water supplies. The vital necessity of water and the obviously limited character of the supply have compelled the public authorities either to undertake the provision and distribution of water supplies or to maintain effective control over private water supplies. Precedents for public control or public ownership reaching back to earliest history of the race have made it fairly easy to evolve public policies with reference to water supplies adequate to the exigencies created by the prodigious growth of cities during the last century. But there were no such precedents to furnish a basis for dealing with our other utilities. They were not at first regarded as utilities, but as convenient novelties. When gas and electricity were first introduced, they were not necessities; people were equipped to use the older methods of lighting and heating, and the economic and social structure of the city did not call for anything different. When the telephone was first introduced, it was treated as a curiosity and a toy, and has only recently been advanced to the rank of a necessity. Street railways were convenient and useful, but in the early history of street railway development distances were not too great to be covered by other means; and the same thing was true of the motor bus.

The absence of precedents for public control in most utilities

It is not surprising, therefore, that the public attitude toward these utilities in their infancy was one of indifference and unconcern. The public felt no dependence upon them, perceived no important connection between them and public welfare, and saw no need for extensive public regulation and control. Persons promoting these businesses were viewed in much the same light as other business men. They were embarking upon new and untried ventures, which might or might not prove successful, but which in either event were not matters of vital concern to the public. They were required, of course, to obtain special permission from the city government before they could make use of the streets of the city to lay their tracks or pipes or to string their wires; but this was

Past indifference of public toward utilities

usually granted on easy terms and without much thought of the future. Who could see much future in the first flickering gas jets, the first feeble incandescent bulbs, the first lumbering street-cars, or the first spluttering telephones?

In time, however, these novelties proved their worth. They became useful, desirable, highly valuable. They became popular, civic progress demanded them, and their development was encouraged in every way possible. Public utility promoters were looked upon as public benefactors, were invited and urged to launch as many projects as possible. The business became highly profitable, and capital flowed freely into it. Keen competition developed between rival promoters seeking exclusive privileges or specially valuable streets or territory to exploit. Banks and brokerage firms became deeply involved through participation in the flotation of public utility securities. Rival interests and groups manipulated stock exchanges, bribed city councils and legislatures, corrupted executive officials, and perverted the judgments of courts. Franchises were granted in perpetuity or for terms of fifty or a hundred years; tax exemptions and concessions were granted almost indiscriminately; special privileges of the most vicious character were granted without question; the rights of the public were ignored; and the power of the public authorities to regulate and control the public utility business, if not entirely surrendered, was surrounded with limitations which rendered it nugatory and futile.

Rapid and uncontrolled development of the utility industry

During this black period of scandal and corruption public opinion was indulgent, indifferent, and ill-informed. But in time the state of opinion began to change. The various processes of urban life, social and economic, gradually were transformed by gas, electricity, street railways, and telephones; and in this new order of city life public utility services became imperative. The city of the skyscraper, the multiple dwelling, and the commuter had been made a practicable reality by the development of public utility services, which now became as necessary as food, clothing, and shelter. Rate wars and internecine competition between public utility companies were followed by a period of merger and consolidation; and then the public began to feel the ruthless heel of monopoly. Virtually uncontrolled, and intrenched behind imprudent and overgenerous franchise provisions, the gigantic combinations formed by the amalgamation of formerly independent utility units

Utilities recognized as necessities

entered upon a career of exploitation and profiteering at the expense of the public.

The demand for public control

At once there arose an insistent demand for public regulation and control of utility companies, which no council or legislative body could fail to heed. Harried by an indignant and outraged public and yet disinclined to offend the utility interests whose political and financial power was most formidable, councils and legislatures equivocated, temporized, and resorted to palliative expedients which in the end proved unacceptable to both the public and the utility interests. The public utility question became a perennial issue in municipal politics, and there ensued a long and apparently interminable struggle for effective public control of the utility industry. The details of this protracted contest between public and private interests cannot be repeated here. Suffice it to say that step by step, position by position, the forces of public authority have nibbled away the intrenchments of the utility interests and have won a constantly growing quantum of really effective control over the conduct of the utility business. But as ever in trench warfare, the enemy retires to new positions and fortifies himself behind new entanglements. So the battle goes on — a many-sided struggle with many different participants, and often greatly complicated by the involvement of the central government, which is the ultimate source of municipal power to regulate public utilities.

Methods of public utility control

There are three principal methods of public regulation and control of utilities, each of which will be the subject of separate discussion in this chapter: the contract method, the statutory method, and the public ownership method. All these methods of control are used in the forty-eight states of the American Union, in the countries of Europe, and generally throughout the world; but the practices and usages vary so greatly in detail from one place to another, even within the bounds of a single state or country, that the most we can hope to do in a summary discussion of this kind is to present a sort of composite picture of each method's most characteristic features. The contract method of control is founded upon a mutually binding contract between the municipality (or, as is often the case, the central government) and a private utility company. Through the terms and conditions of this contract, usually called a franchise, the public authorities obtain certain rights of regulation and control in respect to the conduct of

the utility business. The statutory method of control is based upon the sovereign power of the state and its municipal subdivisions to enact and enforce what is known as police legislation for the promotion of public safety, health, morals, and welfare. There is no element of mutual agreement about it; it is simply a mandate of the supreme authority which must be obeyed by all. The public ownership method partly or wholly displaces private enterprise in the utility business. In some cases the public merely owns the plant and leases it to private operators; but in most cases the public both owns and operates the utility and thus obtains complete proprietary control over it.

Public control through contract

Public control by contract is made possible by the fact that no private individual or corporation has a right to place encumbrances upon or make undue use of the streets of the municipality without special authorization from the government. Having the power to grant or withhold this permission at will the public authorities may grant it conditionally. If the applicant accepts these conditions, a contract results; and both parties are then bound by the terms of the agreement. Such a contract is generally called a franchise; but the term "franchise" has a variety of meanings, and the reader is cautioned against construing it always in the restricted sense in which it is here used. Whether the city government, in the absence of special authorization, has the power to grant public utility franchises is a debatable question. The weight of opinion, especially in the United States, inclines to the doctrine that the granting of franchises is an act of sovereign authority and not within the scope of municipal power unless delegated expressly or by necessary and unavoidable implication. The effect of this doctrine is to render the municipal government dependent upon the central authorities, state or national, for their franchise-granting power. The central government may reserve this power and exercise it itself; it may delegate the power absolutely and unreservedly to the municipal corporation; or it may grant it conditionally and regulate its exercise by the municipality. There is no uniform practice, and in many cases the status of the franchise-granting power is in doubt, owing to the obscurity and ambiguity of the law surrounding it.

Disregarding the legal question of whether and under what conditions the city *does* have exclusive power to grant fran-

chises, we encounter the much more fundamental question of whether as a matter of policy the city *should* have the power exclusively. If the utility problem were strictly a local problem and of no consequence beyond the corporate boundaries of the city, there could be no sound objection to allowing the city to contract with local utility companies as freely as possible. But the utility problem has ceased to be a local problem, if in fact it ever was such. Nearly all utility companies find themselves obliged to serve much territory lying outside the limits of incorporated municipalities; some are obliged to serve a whole metropolitan area including scores of separate municipal units; and many in recent years are organized to serve a far-flung string of cities spread out across the boundaries of counties, provinces, and states without respect to distance. Is it sound policy economically and politically that the public relations of utility concerns rendering service to consumers in many different localities should be determined by the unrelated, individual actions of the various municipal corporations in which the company does business? Under such a policy, what is to prevent the company from playing one city against another in order to drive a hard bargain; what is to insure equality of treatment as between cities in matters of service and rates; what is to guarantee uniform effectiveness in the exercise of public control? Problems such as these have greatly embarrassed the advocates of exclusive municipal regulation of utilities, and have resulted in a widespread movement to deprive cities of the franchise-granting power or to restrict their administration of it in such a way as to reserve to the central authorities the fundamental powers necessary to the regulation of utilities on a regional basis. There is danger, however, of going so far in the direction of centralization as to result in the neglect of important municipal interests and in the subordination of vital special interests of different communities to the arbitrary methodology of central regulation.

Should the city have exclusive power to grant franchises?

The duration or term of the franchise is another problem that has been the cause of considerable controversy. In the early history of public utility regulation it was common to grant franchises to run forever, or for a century or a half-century. Experience has proved that this was a grave mistake. It is quite impossible to foresee and anticipate the developments of the distant future, or even the near future. The processes of our material life have been accelerated to such a degree

What should be the duration of the franchise?

that franchise provisions are very apt to become anachronistic before the end of the generation which saw them granted. Who, a half-century or even a quarter-century ago, would have predicted the present debâcle of the street railway industry or the present indispensability of the telephone industry? Who would have predicted the phenomenal rise of the various electrical utilities or the profound modification of the functions and position of the gas utilities? It was not, however, a realization of the limitations of human foresight so much as the abuse by utility companies of special privileges enjoyed under long-term franchises that precipitated the popular reaction against long-time grants. As a penalty for past sins and as a sword of Damocles to insure good behavior in the future, the public demanded the short-term franchise — not running over twenty years at the most, and preferably only ten or fifteen years. But the short-term franchise proved to be unsatisfactory also. Realizing that it might be ousted from the city at the end of the ten or twenty years, the company kept its investment as small as possible, renewed its equipment only under the sheerest necessity, and strove to squeeze out every possible penny of profit during the franchise period allotted to it, on the theory that it had to make hay while the sun was briefly shining. Moreover, the credit of the company suffered materially because of the possibility that ten or twenty years would see it out of business and unable, perhaps, to meet its obligations. Not being regarded as a good risk, it had to pay excessive rates of interest and to mature its loans in inconveniently short periods of time.

The indeterminate franchise

A way out of the dilemma of the short- *vs.* the long-term franchise has been found in the so-called indeterminate franchise. An indeterminate franchise does not run for a definite period of years; no limits are fixed. The franchise may run indefinitely, and it may be terminated at any time, after adequate notice has been given. So long as the agreement is satisfactory to both parties, the franchise will go on; but when trouble arises, it may be terminated. The chief controversy respecting the indeterminate franchise concerns the mode of termination. Some contend that both the city and the company should have the right to terminate the franchise under certain conditions; others maintain that the option of termination should be given to the city only.

It is unthinkable that either party should have the right

to terminate the franchise at will and for no cause except a desire to wiggle out of an onerous contract. The right to terminate should be exercisable only upon cause going to the vitals of the contract itself. Gross and continued violations of the contract should be sufficient warrant for termination, and likewise the incompatibility of the contract with existing conditions owing to changes which have occurred since it was entered into. But we should remember that the primary purpose of the franchise is the protection of the public and not the advancement of the interests of the company. It would be a great mistake, therefore, to empower the company to terminate the franchise against the will of the authorities representing the public. This would give the company a whip hand in all negotiations with public authorities. On the other hand, there is little danger that the power of termination will be abused by the representatives of the public. It is to the interest and advantage of the public to have the company continue in business as long as it is operating on a financially sound basis, is rendering adequate service, and is not charging excessive rates. If the company cannot meet these requirements under the existing franchise and some other company can, then the public should have the right to terminate the contract and do business with a concern that is fully capable of meeting the obligations of public service. And if it can be demonstrated that no soundly conducted company could fulfil its obligations under the existing franchise, it will be to the interest of the city to make a readjustment rather than have the company fail. Never in the entire annals of public utility history has there been a case where the public authorities were unwilling to meet the public utility interests halfway or better if they were willing to give evidence of an honest attempt to deal fairly with the public. We may conclude, therefore, that the right of termination (surrounded by ample restrictions for the protection of the company) should belong exclusively to the public.

Who should possess the right of termination

What the franchise should contain

The problem of what the public utility franchise should contain in addition to the provisions controlling its duration is highly complicated and technical. Each type of utility has its own technical problems which must be covered by special provisions. It would be impossible to have identical franchises for gas, electrical, telephone, and street railway companies. Nevertheless there are certain basic factors affecting public

policy which are common to all and should be covered by adequate franchise provisions. No franchise is sound which does not provide for a mutually satisfactory scheme of adjusting and fixing rates. As a means of controlling rates and regulating financial procedure the franchise should also contain stipulations as to methods of accounting which will enable the regulating authorities to keep check on the financial operations of the company. The franchise should likewise carefully reserve to the city the right to exercise regulatory powers in such matters as standards of service, relations with consumers, maintenance of property, extensions of service, discriminations in service, and other important matters having to do with the operation of the company. The capital stock of the company should be brought under public control of franchise provisions, and all increases in capitalization or bonded indebtedness should have the sanction of the public authorities. The franchise should further provide for full publicity in the management of the affairs of the company, and should require complete and regular reports to be made to the regulating officials. It is the part of wisdom also to include a provision for an agreed method of arriving at the purchase price in case the city should wish to buy out the company and operate it as a public undertaking. Many other points might be suggested for inclusion in the franchise, but the foregoing are perhaps the most important; and they suggest very clearly the need of carefully drawn franchises if public regulation by the contract method is to be a success.

Advantages of contract method of regulation

The contract method of regulation has many advantages and some decided disadvantages. The advantages are somewhat more pronounced in the United States than elsewhere. Because of the extensive restrictions in our national and state constitutions upon governmental interference with personal and property rights, it is often possible to enforce under contract regulatory provisions which would be declared unconstitutional if imposed by direct statutory enactment. Particularly is this true of rate regulations. American courts guard most jealously the rights of persons under the due process and equal protection provisions of our constitutions, and rates that are regarded as confiscatory are always held to be in violation of due process of law. But the same identical rate equally confiscatory, if rendered obligatory upon the company by contract rather than by statutory enactment, is entirely valid and en-

forceable so far as due process is concerned. Practically the same paradox obtains with regard to all other regulatory measures. If imposed by statute, they have to run the gauntlet of judicial review to determine whether they amount to denial of equal protection of the laws or to deprivation of life, liberty, or property without due process of law; but if they are imposed by contract, no such questions can be raised. Under the American constitutional system, therefore, public utility regulation by contract has the advantage of avoiding certain legal obstacles embodied in our formidable constitutional limitations.

Disadvantages of contract method

On the other hand, there are in the United States certain peculiar legal complications and embarrassments in the process of regulation by contract. Our national constitution and virtually all our state constitutions contain provisions that forbid the making or enforcing of laws impairing the obligations of contracts; and our courts have interpreted these provisions to mean that retrospective legislation reducing the obligations of the parties to preëxisting contracts, relieving them of essential contractual obligations, or depriving them in any way of rights which they should have under such contracts, is unconstitutional and invalid. The famous Dartmouth College Case extended this doctrine to public grants and franchises as well as to contracts between private individuals. As a consequence the terms and conditions of a public utility franchise are fixed and unalterable during the life of the franchise, except by agreement of the contracting parties themselves. Mistakes made through haste or lack of foresight, improper concessions made to public utility interests by corrupt or stupid franchise grantors, — these are irremediable during the life of the grant unless the agreement of both parties can be secured, which is a difficult matter. It becomes necessary, therefore, in the granting of public utility franchises in this country to couch the grant in terms that will safeguard all the interests of the public with reference to all possible future contingencies throughout the duration of the franchise grant. This of course is an extremely difficult thing to accomplish, and calls for more expertness and more prophetic insight in public utility matters than the average franchise-granting body can be expected to possess. The legal advantages of the contract method of regulation are thus offset by equally positive legal disadvantages.

In Great Britain, France, Germany, and other countries not

having the peculiar constitutional limitations which obtain in the United States the foregoing considerations do not apply. The sole question in those countries is whether the contract method is sound and expedient from the economic and administrative standpoints. From an economic point of view the soundness or unsoundness of the contract system is determined largely by the bases and content of the franchise itself. To formulate a franchise making adequate provision for public control and at the same time having due regard for the financial and business considerations which must govern the operations of the company, is a task that calls for an unusual grasp of both public affairs and the utility industry. Basic conditions change so rapidly in the utility field and also in the structure and processes of urban society that it is doubtful whether contract relations between the city and the company can be made sufficiently flexible and elastic to expedite the progressive accommodations of regulatory procedure to social and economic facts, which are necessary if regulation is to regulate and not obstruct. This explains why the pure contract method of control has been losing ground in recent years in both Europe and the United States. The contract method also involves certain administrative difficulties. The franchise will not enforce itself. Judicial enforcement, which is the ordinary method of enforcing contracts, is a slow, uncertain, and expensive procedure. And enforcement by direct administrative action, without judicial intervention, is of doubtful validity when the rights and obligations in question are of a purely contractual nature. The franchise itself may provide for modes and machinery of enforcement; but disputes often arise as to the construction and application of these, in which case the only recourse is to the courts.

Difficulties in formulating proper contract

The essence of the statutory method of public regulation and control — the second method mentioned above — is the enactment, by city council or the central legislative body, of a body of public utility law imposing upon utility companies certain specific rules and obligations which they must observe in order to engage in the utility business. Failure to comply with the law may be penalized either by forfeiture of the privilege of doing business or by the usual civil and criminal penalties. There is no element of mutual agreement about it. The sovereign will is declared by statutory enactment, and the company obeys or suffers the prescribed penalties.

The statutory method of control

Statutory control, like franchise control, is fraught with many difficulties. Not the least of these is the question of the location or distribution of authority to legislate on the subject of public utilities. We are aware of course that municipalities have only delegated authority, and that the fundamental power to legislate on all matters belongs to the central government. But whether the grant of corporate autonomy to a municipality carries with it the power to enact legislation for the regulation and control of utilities is sometimes a very nice juridical question. Much more important, however, and far more basic in principle, is the question of whether this power ought to be vested exclusively in the municipality, retained exclusively in the central government, or be in some manner divided. Public utility legislation by the city government can have no force outside the boundaries of the city, and hence is bound to be of limited competence in the solution of utility problems of more than local extent. Public utility legislation by the central government is often too broad in its terms and too general in its application to satisfy the specific needs of each and every municipality coming within its purview. Division of authority between central and municipal government not infrequently results in disastrous lacunae in the public utility law, and sometimes in unfortunate conflicts and overlappings in regulatory requirements. Because of the growing tendency of the public utility industry towards large-scale organization for the service of extensive territories, it has become increasingly necessary for the central government to assume the fundamental responsibility for public utility regulation, leaving to local communities only the power of supplementary local legislation not encroaching upon the field occupied by general legislation. This dichotomy of legislative authority may work very satisfactorily or very unsatisfactorily. In Europe, where general legislation is couched in very broad terms and is given its specific local application through the discretionary action of central administrative functionaries, the proper adjustment between central and local authority has been relatively easy; but in the United States, where general statutes are encumbered with details allowing no latitude for differentiation between localities and customarily providing for no flexibility of execution by confiding discretionary powers to central administrative agents, no rational and consistent reconciliation of central and local needs and policies has been possible.

Who should exercise statutory control?

Another problem in statutory control that has been particularly troublesome in the United States is that of formulating a body of legislation that will really cover the needs of the case without such a detailed elaboration of minutiae as to encumber the process of enforcement with an adamantine mass of technicalities. This outcome has been avoided in European countries by the extensive freedom accorded to administrative officials in deciding the questions arising in connection with the application of general rules of law to concrete sets of facts. The greater the discretion of the officials administering the law, the less need there is for the proliferation of detailed provisions in the law itself. European city government being subject to extensive administrative control on the part of the central government, and European administrative functionaries having generous authority to supplement the general laws by administrative decrees and ordinances, public utility codes in European countries have not been under the necessity of providing a specific rule for every conceivable minor point in public utility administration. But in the United States we have sought to establish " a government of laws and not of men." Central control of local government is accomplished by the judicial enforcement of detailed laws rather than by the orders, rules, and decrees of administrative officials. Administrative discretion is not trusted. Hence it has been necessary in enacting legislation for the regulation and control of public utilities to leave nothing to the unaided judgment of judicial or administrative officials that might be covered by a specific statutory precept. As a result our public utility codes have become swamps of tangled and inconsistent details, baffling even to the expert.

What the public utility code should contain.

Experience soon disclosed a number of fatal defects in the American system of statutory control. The laws could not enforce themselves, and the questions brought before the courts in the process of litigation for their enforcement were not, strictly speaking, legal questions. They were highly technical and recondite questions of economics, finance, corporate procedure, and business practice. Mistaken decisions on the part of the courts, correct perhaps as to law but grossly incorrect as to social and economic policy, resulted in the frustration of the entire system of control. Reform became imperative, and, profiting by European experience, we began to establish special boards and commissions to administer our public utility legislation. These bodies were endowed with quasi-legislative and

Defects of statutory control

quasi-judicial powers as well as extensive administrative discretion. Encumbering details were largely weeded out of our public utility codes, and the public utility or public service commissions, as they were called, were given power to make special rules and regulations supplementary to the general laws, to conduct hearings and make determinations in cases of controversy, and to issue orders calling for specific action to be taken. For the most part these regulatory bodies in the United States act under the authority of state law, and have partial or complete jurisdiction over the utilities of all the municipalities of the state. Sometimes, however, the field is divided between state and local utility commissions.

Constitutional difficulties with statutory control

We cannot leave the subject of statutory regulation without some reference to the constitutional difficulties encountered by this method of regulation in the United States. Mention has been made previously of the extensive guarantees in our state and national constitutions in the interest of private rights. The prohibitions against taking life, liberty, or property without due process of law and denying to any person the equal protection of the laws are meant, so the courts advise us, to forbid governmental interference with private freedom except as dictated by some paramount public necessity. When public safety is endangered, when public health is imperilled, when public morals are threatened, when vital welfare of the public is menaced, then the police power of the government may be used to curb individual freedom as to person and property in order to safeguard and conserve these indispensable public interests; and then only in a just and reasonable way. This means that every legislative act regulating the conduct of the public utility business is subject to challenge on the ground that it is contrary to the constitutional requirements for due process and equal protection. The courts, being the custodians of private rights under these constitutional limitations, have to decide the issue — to determine whether there is any rational relation between the regulation in question and the promotion of some vital public good. If the courts are unable to see it, it does not exist, and the regulation is invalid. Every statutory enactment affecting rates, service, capitalization, accounting, publicity, and other important points in public utility regulation must pass muster before the courts. The courts have not laid down general rules by which the constitutionality of such legislation may be determined in advance;

but have dubiously traced out certain vague trails of precedent, which, if followed to the end, may lead to the magic goal of judicial approval. So, we perceive, statutory regulation in the United States is fraught with litigious difficulties which are unknown in Europe.

It is dangerous to generalize as to the comparative advantages and disadvantages of statutory regulation. With a properly drawn code administered by competent utility experts the advantages in flexibility of administration, continuity of supervision, and proficiency of regulation are too obvious to require elaboration. But where the law is imperfect, or is emasculated by judicial review, and the administrative organization and procedure for enforcement are inappropriate, nothing can be more futile and ineffective than statutory control.

Contract and statutory methods often combined

It should be noted that the contract and statutory methods of control are frequently found together. The utility company will be subjected to public control in part through a franchise and in part through statutory enactments and supplementary administrative regulations. This is a very common occurrence where the franchise, granted many years ago, does not cover many points now deemed essential in public utility regulations. It has been found advantageous in the United States particularly to combine the two methods of control in order to accomplish by one what cannot be accomplished by the other. It is also true in many cases that the coexistence of these two methods of control is simply a matter of historical survival. There is no conspicuous inconvenience or disadvantage in the combination of franchise and statutory control, and, as has been intimated, it may be positively beneficial to all concerned.

The policy of public ownership

The adoption of the policy of public ownership as a means of controlling and regulating municipal utilities is a repudiation of private capital and private management in the conduct of utility services. It is based upon the proposition that a fundamental antagonism between public and private interests makes it necessary for the city government to own the properties and manage the operations involved in the rendering of the utility services in order to fully and properly safeguard and promote the interests of the public. The arguments in favor of municipal ownership are many and cogent, and likewise the arguments against it. Most of the arguments on both

sides, however, if not largely theoretical, are to say the least hypothetical, and will not bear too close examination from the standpoint of unassailable fact.

The case for public ownership

The case for municipal ownership rests upon three basic postulates: (1) that private ownership is unsound in principle, (2) that private ownership has been a failure in practice, and (3) that public ownership overcomes the faults of private ownership. The first of these points is predicated upon the argument that private profit and public service are incompatible. Private capital, so it is contended, seeks investment in a business for the purpose of realizing the largest possible profit. It therefore wants high rate charges, low labor costs, the cheapest possible equipment, the lowest possible cash investment with the highest possible paper capitalization, and regulatory limitations by franchise and statute that are easy on the company; whereas the public service demands low rates, competent and well-paid labor, superior equipment, a generous cash investment in the business, and franchises and statutes which bear hard upon the company. The complete irreconciliability of these two sets of motives is said to obviate all hope that public regulation can ever succeed in rendering private ownership adequately responsive to public interests and needs.

1. Incompatibility of private ownership and public interest

The second point, that private ownership has been a failure in practice, is grounded on the following affirmations: that the financial basis of private utility concerns is unsound and often fraudulent; that the rates charged for public utility services are excessive; that the services rendered are almost invariably below the standard that should be maintained; that the grinding labor policies of private utilities breed strikes and other labor troubles which are a great inconvenience and expense to the public; that private utilities have stifled competition and used their monopolistic power to exploit the public; that private utilities have always been a baneful and corrupting influence in municipal politics; and that private utility companies have been promoted almost entirely upon a speculative basis, and have been, therefore, notoriously unstable and beset with difficulties which have been costly and harmful to the public. As proof of the truth of these assertions documents and statistics are adduced by the ton, all being the products of official investigations and inquiries extending over a century or more of public utility history. But of that, more later.

2. Private ownership has been a failure.

The third point, that public ownership will do what private ownership should do but has failed to do, is bottomed upon these propositions: that the city can finance the initial cost of public utility undertakings more economically than a private company because of its ability to borrow money at lower rates of interest; that it can operate utilities more economically and at a lower cost to the public because it pays no taxes and no dividends, and is obliged to spend no money to corrupt public officials or influence public opinion; that labor conditions will be better because of the better treatment and greater contentment of municipal employees; that labor costs will not be as high as under private management, even though wages be somewhat higher, because of the smaller employment turnover, the elimination of strikes, and other costly labor troubles, and the better morale of public employees; that better plants and operating equipment can be provided without increased cost by using for that purpose a small part of the money that a private company would devote to taxes, interest, dividends, and political expenses; and that there will be only one actuating motive, namely, to give the public the best possible service at the lowest possible cost. The evidence to sustain these theses is, unfortunately, somewhat less sufficient than the evidence which may be summoned to the indictment of private ownership. We shall deal with the whole question of evidence and proof at a later point.

3. Public ownership will correct troubles caused by private ownership.

The case for private ownership, when reduced to its elemental terms, is really a case against public ownership. Private ownership is by no means as eloquent in its own defense as it is in attacking that *bête noir* of the utility interests — public ownership. The advocates of private ownership base their case also upon three postulates: (1) that public ownership is plausible in theory but fundamentally unsound, (2) that public ownership has failed in practice, and (3) that private ownership is capable of serving the people more efficiently than public ownership can hope to do. Public ownership is held to be unsound in principle because it eliminates the incentive of profit-making which is supposed to supply the spur to efficiency and economy. All the ostensible advantages of municipal ownership — freedom from taxes, low interest rates, exemption from dividend obligations — are said to vanish in the profligacy which results from the absence of any motive for good business management.

The case for private ownership

1. Public ownership unsound in principle

2. Public ownership has failed in practice.

The second point, that public ownership has failed in practice, is based upon the following contentions: that under public ownership municipal utilities have been demoralized by politics, being used as a football between contending parties and factions; that labor is plunged into politics under public ownership and uses its political power to increase wages out of proportion of their worth; that municipal employees are notoriously indolent and are not held to the high standards of efficiency that prevail in private employment; and that management, which depends upon competent technicians, is far less satisfactory under public ownership than under private ownership, because men of high attainments in engineering, finance, and similar lines will not accept employment where the tenure is dependent upon politics.

2. Private ownership is inherently superior.

The third point, that private ownership is inherently superior, is supported by the argument that private business concerns are better equipped by reason of experience, by reason of their highly trained and well managed staffs of employees, by reason of their freedom from politics, by reason of the greater flexibility and adaptability of their organization, and by reason of the fact that they are obliged to achieve the highest degree of efficiency and economy in order to satisfy the demands of their stockholders.

What evidence is there to sustain the case on either side?

Such are the brief *pros* and *cons* in the case of public *vs.* private ownership of municipal utilities. But what is the truth? There is plenty of good argument and plenty of good theory on both sides, but what is proved by the supreme test of experience? Only one thing, conclusively — the necessity for extreme caution in reaching convictions. Neither public nor private ownership has ever been tried under ideal conditions, and in every concrete example that may be used to clinch an argument there are so many other factors than the mere fact of public or private ownership that it is not possible to say conclusively that the results, whether good or bad, were because of or merely subsequent to the inauguration of public or private ownership. No dialectic fallacy traps more good minds than that of *post hoc ergo propter hoc,* and in citing experience to prove the case for or against either public or private ownership this error is almost unavoidable. It is possible by selecting cases and stressing only the facts it is desired to bring into relief, to build up an almost impregnable case on either side, to demonstrate beyond cavil to any rational mind that both

public and private ownership are all right or all wrong. But no thinking person will be misled by such pernicious misuse of facts; it is the hall-mark of propaganda.

As a matter of plain truth our experience with both public and private ownership has been far from uniform and certainly far from conclusive. Most of the municipalities owning and operating their own waterworks have discharged the task successfully, even admirably; but that does not prove that they would do the same with street railways or telephones, for there are certain generic differences between waterworks and other utilities. Nor does it prove that private ownership of waterworks is bound to be a failure; there have been instances of successful private operation of municipal water-supply systems; and in many cases the shift from private to public ownership was not due to the failure of private ownership, but to other considerations. Many cities own and operate their own electric light and power systems, and do it remarkably well; other cities have made a good deal of a mess of public ownership of electric utilities. Is it public ownership, or something else, that accounts for these contradictory results? Some communities are supplied with electric light and power by private companies which are rendering excellent service at reasonable rates, and others are supplied by companies actuated by the ethics of a mediaeval usurer. Is it private ownership, or something else, which accounts for *these* contradictory results? Some cities have achieved gratifying success in the ownership and operation of street railways, and others have been dismally unsuccessful. Some privately owned street railway systems have been creditably managed, and others have been run like a wildcat oil company. Similar parallelisms run through all utility experience, whatever the utility and wherever situated.

Experience neither uniform nor conclusive

Municipal ownership has been more uniformly successful in Europe than in the United States, the chief reason being that conditions in Europe have been far more congenial to public ownership than in this country. The property-holding and business interests, which in this country have opposed public ownership, have been favorable in Europe because of the effect of utility earnings in the reduction of taxes. We do not operate utilities with a view to their revenue-producing capacity, but with a view to serving the consumer at cost. Hence there has been no advantage to the American taxpayer in the public attitude on the public ownership question.

European experience not comparable with American

The issue not one of fact

The issue between public and private ownership of utilities is not and has never been one of fact, nor even of opinion in the best sense of the term; it is an issue which turns upon suspicion, fear, prejudice, self-interest, and personal advantage. Private utility interests by stupidity, greed, and indifference to the public weal have earned the distrust and dislike of the people; and politicians, fomenting the question of municipal ownership as a means of personal advancement, and using publicly owned utilities as cogs in political machines, have aroused the apprehension and hostility of private business interests. Intelligence plays a small part in the decision of the electorate when the issue of public *vs.* private ownership is raised. If at the moment the people happen to be in a mood of resentment against Big Business, they will incline towards public ownership; if, on the contrary, they happen to be passing through one of their periodic fits of indignation at the rascality of the politicians, they are likely to seek solace in the embraces of private utility interests. It is a tragi-comedy of Jovian irony; but the unhappy populace should not be too much blamed for its vagaries. Imbecile it may be; but its animal instinct to smite the most immediate and obvious evildoer is fundamentally correct.

Public and private business are conducted on about same level of principle and efficiency.

After all, when one makes a careful and honest comparison of publicly and privately owned business enterprises, there does not seem to be much to choose between them. It is customary to picture private business as the acme of integrity and efficiency — the very masterpiece of scientific management — and to lament the unfortunate fact that public business is permeated by nepotism, political and personal favoritism, corruption, and bad management. The people who indulge in such distorted comparisons are either ignorant of the sordid facts about private business, or else they deliberately ignore them. Anyone who believes there is no such thing as nepotism in private business would do well to try the experiment of getting a job in the average bank, department store, factory, railway company, or public utility company in competition with the worthless son, brother, nephew, cousin, or other relation of the president or some other influential official of the company. Anyone who believes there is no politics in business had better read the history of the Standard Oil Company, the New Haven Railway, the United States Steel Corporation, the General Motors Company, the Bank of Italy, the Piggly Wiggly Com-

pany, and many others that might be mentioned. Anyone who fancies that there is no corruption in private business, forgets all about the rake-offs, "commissions," melon-cuttings, honorariums, and what-not that characterize nearly every phase of business activity. Mr. H. R. Heydon, president of the Commercial Standards Council, was recently quoted as saying that one billion dollars a year are spent as business bribes. Anyone who is accustomed to swallow the customary panegyrics on the efficiency of private business should make a study of the causes of business failure — more than 80% of the annual failures being due, according to prominent experts, to sheer inefficiency and incompetence — and should examine the studies made a few years ago by a committee of the American Engineering Council, which show that the best of our great private industries are not much more than 65% efficient, and that some of them are not more than 20% or 30% efficient.

The simple truth is that public business and private business are transacted on just about the same plane of probity and efficiency, are characterized by just about the same evils, and are in fact so much alike, being conducted by the same kind of human beings under fairly similar circumstances, that a shift from one to the other does not mean as much as is commonly supposed. To the dubious and increasingly cynical populace it is often a choice between alternatives, both of which are unpalatable and distressing. But iniquitous public ownership is not quite as bitter a pill for the public to swallow as profligate and villainous private ownership, because in the former case the rascals who fleece the public are of the people's own choosing and can be turned out whenever the people wish, and there is comfort in this knowledge. Here we have a clue to the future of public ownership.

Private utilities now realize the importance of cultivating public favor.

When, owing to the perversity of public utility companies and to bungling regulation on the part of public authorities, popular distrust in private ownership mounts to a certain point, the people will turn instinctively to public ownership — not because of increased trust in public servants but because of increased distrust in the servants of great corporations. Let the public utility interests do their worst, and in the natural course of events they will drive the people to public ownership. This truth has at last begun to penetrate public utility thinking, and we are witnessing during these latter years a noteworthy change in public utility tactics. It is the fashion now

for public utility companies to strive to ingratiate themselves in popular favor by propaganda. Extravagant advertising (for which the public pays), prominent participation in civic celebrations, and persuasive publicity in the schools and colleges of the country are current examples of the desire of the private utility interests to rehabilitate themselves in public favor. Whether this reform in tactics has been accompanied by a real change of heart, resulting in the abandonment of the old policy of exploitation, is a much-mooted question. One wishes that the evidences of such reform were more definite and plentiful.

The future of public ownership

This campaign to capture the good will of the public may in time succeed, but one thing we may predict with reasonable certainty, namely, that it will make no permanent headway until private capital shall be willing to serve the public at a purely nominal profit; for it is intolerable in a democracy that private interests should exploit a public necessity. Much less grudgingly do the people pay a ten-cent fare to a municipally owned street railway than to one that is privately owned. It is the same with all other utilities; it is not merely the high rate that hurts, but the thought that some private capitalist is making a profit out of it. These facts should be handwriting on the wall for private utility interests. They may temporarily forestall public ownership by artful propaganda, but the only thing that will avert it permanently is a fundamental modification of the profit-taking policy which makes business attractive to private capital.

Present trends in public regulation of privately owned utilities

Present trends in the public utility field indicate that the whole question of private ownership under public regulation *vs.* public ownership and operation may in the not distant future be contested along entirely different lines from those of the past. Hitherto the utility question has been essentially a local question, and the issue has been between city ownership and operation and ownership and operation by a private company of local scope. But the day of local utilities has gone, and with it, perhaps, the day of local public ownership. The irresistible march of technology has brought us to the dawn of a new era in public utility matters. For the same reasons, or even stronger reasons, that the chain store has made tremendous inroads upon the domain of the independent local store the chain system of utility organization is driving the independent local utility, whether publicly or privately owned, to the wall. It is no longer economical from either a financial

or a technological standpoint to operate utilities on a strictly local basis. The development of efficient and economical means for the long-distance transmission of electric current, and also of water and gas, together with the integration of corporate control of water-power sites, gas fields, coal fields, and of financial underwriting, have revolutionized the utility industry.

It was scarcely a generation ago that municipal utilities first began to reach out into suburban territory and gradually to develop an inter-city business. This development raised the public utility question from the rank of a local problem to that of a state problem, and practically all of the states created regularly bodies, called public utility or public service commissions, which undertook the inter-community regulation that was manifestly beyond the reach of local authorities and which sometimes practically superseded the local authorities in public utility regulations of a local character. This at the time was regarded as an almost revolutionary step in the direction of centralized political control necessitated by the growing helplessness of local authorities in the face of a problem that had ceased to be altogether local. The helplessness of state utility commissions today is almost as great as that of local authorities a generation ago; for now we are confronted with the necessity of regulating titanic utility combinations, like the Middle West Utilities Company, the Central Public Service Company, and many others of their kind, whose vast systems are flung across the boundaries of a half-dozen or more states. The public utility problem has become an interstate, indeed a national problem; but national regulation is yet in its infancy; and national ownership, outside of Russia, is not dreamed of.

The problem of large scale utility organization

Undoubtedly the great public utility issues of the future will revolve about the questions of national regulations *vs.* national ownership and operation. This, indeed, is distinctly betokened by the emphasis placed upon the public utility question by Governor Alfred E. Smith, the Democratic nominee in the presidential campaign of 1928. The emergence of this issue on the national stage foreshadows one of the bitterest struggles in the history of democratic government. National regulation, if and when it comes, may be sufficiently more effective than state and municipal regulation to delay the demand for public ownership on a national scale, although the history of public regulation casts doubt upon the supposition that it will. The con-

Are we drifting toward national control?

solidation of private utility interests, and their intransigeant attitude towards public regulation will tend to bring the question of national ownership to the fore.

There is no immediate prospect of any great progress in the direction of public ownership. That lies in the lap of the future. The present problem in regard to municipal utilities is one of devising and applying the most effective means for public regulation and control of utilities that are privately owned and operated; and that will continue to be the main problem for some years to come. Public regulation, whether municipal, state, or national, is directed towards the attainment of three or four major and fundamental objectives which must be considered at some length if we are to come to grips with the realities of contemporary public utility regulation.

The objects of regulation

The first of these objectives is to secure for the public the best possible service. Whether it is so considered or not, service should be the primary object of public utility regulation. Gas that produces little heat, electric lights that wink and fade, telephone service that is undependable, street-cars that are uncomfortable, and water that is impure and unpalatable are too costly even at less than cost. Good service is the *summum bonum* of public regulation, and if it cannot achieve that it is futile.

1. Service

The regulation of private utility companies so as to insure adherence to the standards of service required by the public is no easy undertaking. It is not enough merely to issue the imperative ukase saying thus and thus it shall be done. It will not be done unless potent and vigilant administrative officials are constantly applying the boot to the utility companies. Every public utility commission finds it necessary to maintain a large staff of inspectors, investigators, experts, and what-not for the purpose of carrying on a continuous process of surveillance the object of which is to check up on violations of laws and orders regulating service. Even so, it often happens that penalties for violation of service regulations are not severe enough to insure compliance. The regulatory authorities must of necessity be as keen and proficient in public utility matters as the representatives of the company; otherwise they are at a great disadvantage in the tourney of wits incident to the enforcement of the law. How unlikely it is that the representatives of the public will be a match for the representatives of the company may be surmised by

comparing the salaries paid to public servants and those paid to the skilled servants of the utility companies. When a member or employee of a public utility commission displays unusual acuteness and ability, the utility interests often manage to detach him from the public service by offering him employment at a higher salary than he can ever expect to obtain on the public payroll. It is even alleged that the hope or expectation of such offers has had a deleterious effect upon the morale of public utility commissions and their staffs, rendering them less vigilant in the public interest than they might otherwise be.

2. Rates

The second objective of public regulation is reasonable rates. By reasonable rates is meant rates that are fair and just charges for the service rendered. The company is entitled to charge the consumers for the cost of the service and above that to charge enough to cover depreciation and provide a reasonable return upon the investment. These principles are so obviously sound that no one questions them. But when it comes to applying them in actual practice, we encounter bitter and interminable controversy. Take the matter of the cost of the service: what items should enter? It is usually agreed that the cost should include salaries, wages, construction, equipment, repairs, rentals, interest, and insurance. But who is to determine and how is it to be decided whether the amounts charged on account of these operating costs are reasonable or excessive? What is to prevent the padding of expense accounts and the juggling of cost figures? Can we not trust public utility companies to play fair with the public in matters of this kind? If we knew less about their history, it might be easier to trust them. Unfortunately there have been far too many cases of manifest conspiracy to job the public in matters of operating cost to warrant any great confidence in the integrity of the utility interests. There have been cases where one utility company would rent property and equipment from another at a preposterously high rate; where the chief stockholders of the first company would acquire a controlling interest in the second company, and thus reap an excessive profit out of the huge rental payments coming via the first company from the pockets of the public. In numerous cases controlling officials in utility companies have organized construction companies, repair companies, and equipment companies which, by monopolizing the business of the utility company (as they always could) and making excessive charges

Problems in rate-fixing

therefor, have fraudulently boosted the cost of service to the public and taken a handsome profit for themselves. In some cases the utility interests have maintained subterranean connections with insurance companies, banks, and various other financial concerns, and have thus fraudulently profited by excessive levies upon the public for interest, premiums, etc. In self-defense the public regulatory authorities are obliged to challenge the validity of virtually all cost figures submitted by utility companies and compel them to prove the case. So the question of operating cost is the source of continuous controversy.

The question of depreciation

The question of depreciation also raises some differences of opinion. Depreciation is a recognized factor of operating cost in all business; but when it comes to the actual allowance which should be made for depreciation, there is no agreement at all. The utility company very naturally argues for a high rate of depreciation, and the regulating authorities just as naturally for a low rate. The rate finally accepted is generally a compromise; for there is very little in the way of objective and incontrovertible data to clinch the case for any specific rate of depreciation. There is the further question, also, of whether changing price levels should be taken into account in making allowances for depreciation. In a period of rising price levels the actual market value of property may rise to the point where it exceeds the initial outlay. Has there been any depreciation under these circumstances? The property could be sold for more than it originally cost, but it could not be replaced for anything like the original figure. Should depreciation be figured as the difference between original cost and replacement cost; or should the difference between present market value and original cost be figured as a gain to the company offsetting all depreciation? Time and use have certainly lessened the practical utility of the plant, although in terms of cash its value has increased. Conversely, in a period of falling price levels the market value and also the replacement cost will fall far below the original cost. If the property can be replaced at a lower figure than it originally cost, what is the extent of its depreciation? Admitting that its utility has been impaired through age and use, it is possible nevertheless to replace it at a figure so much below the first cost that the loss through depreciation may be entirely absorbed by the gains resulting from low replacement cost. In such a period of

declining prices, moreover, the market value and also the replacement value may decrease at a much more rapid rate than the utility of the plant. What, then, is the rate of depreciation? Manifestly there is plenty of room for difference of opinion on that point, as on nearly every other point connected with the subject of depreciation.

The most highly involved question in ratemaking is, what constitutes a reasonable return upon the investment? First, what is a reasonable rate? Money invested in United States bonds realizes a return of $2\frac{1}{2}\%$ to $3\frac{1}{2}\%$; money on deposit in savings account makes on the average about a 4% return; money loaned on real estate mortgages returns from 6% to 8%. Those are generally accepted as reasonable rates of return; but what makes them reasonable? If 3% is reasonable for government bonds, why is it not equally reasonable for real estate mortgages? Investors are willing to take 3% on government bonds because they are regarded as absolutely secure, have a high loan value, are untaxed, and are easily convertible into cash. Real estate mortgages are not on the average equally secure, do not have as high a loan value, and are difficult to convert into cash; hence investors demand a higher rate of return. The more speculative the investment, the less its value as collateral, and the greater the difficulty of converting it into cash, the higher the rate of return must be in order to attract investors.

What is a reasonable return?

Judged by these criteria, where does the public utility industry stand on the scale of investments ratings? Public utility investments are more secure than the average — not as secure as government bonds or savings accounts, but more so perhaps than the average real estate mortgage; they have a very respectable loan value; and they are readily convertible without excessive sacrifice of the principal. They offer an attractive investment, therefore, to the person who attaches great importance to security and considerable importance to loan value and convertibility. To obtain these advantages people will be content with lower rate of return than they can obtain from more speculative investments. Experience has shown that a rate of return ranging between 5% and 7% is generally satisfactory to such investors; and consequently there has been an effort to restrict the rate of return in the public utility industry to 6% or thereabouts. Public utility companies invariably protest that this rate of return is too low to be fair to the

investor and that they cannot sell their securities on such a basis when they have to compete in the money market with the popular and better-paying securities of well-known industrial and commercial concerns.

How shall the company's investment be computed?

More difficult even than the determination of the rate of return is the question of the investment upon which it is to be allowed. The difference between 6% on $500,000 and 6% on $1,000,000 is $30,000, which illustrates the point that at a fixed rate of return the amount taken from the pockets of the public will vary with the magnitude of the investment. What does or should the investment of a public utility company represent? Theoretically it represents the actual cash that has been put into plant, equipment, and other things necessary to set the company up as a going concern ready and able to serve the public. But the financing of public utility companies has so largely served the interests of the promoter and the speculator that there can be no assurance that what they claim as their capitalization actually represents cash invested in the industry. Stock bonuses, stock dividends, and other forms of stock manipulation have been so prevalent that no one knows what part of the capital stock of the company represents money invested in the business and what represents stock-watering operations that greatly enriched the insiders at the expense of the credulous public. Much the same may be said of the bond issues of the company. Debts incurred for capital purposes are rightfully included in the investment upon which the company is entitled to earn a fair return; but the financial practices of public utility companies have been so notoriously loose that it it hard to know whether or not the indebtedness of the company represents money really devoted to capital purposes. Not only have borrowings been freely used for current purposes, but there have been not a few cases of gross misapplication of borrowed funds to purposes remote from the proper functions of the company.

Public utility valuations

The questionable character of the capitalization claimed by the companies has resulted in a demand by the regulating authorities for what is known as public utility valuations. A valuation is simply an appraisal, as is, of the capital value of the company for the purpose of arriving at a definite and accurate conclusion as to its present worth as a going concern. Paper capitalization is disregarded, and an attempt is made by careful and expert analysis of all the properties of the com-

pany and of all of the factors which contribute to its real value to arrive at an aggregate figure which will represent the amount of money which is actually serving the public, and upon which, therefore, the public should pay a return to the company. Public utility valuation is a highly technical and highly controversial subject. The utility interests have as a rule resisted valuation, but there seems to be no other basis of agreement between them and the public authorities as to the capital investment. It is true that the various utility boards and commissions have been none too fortunate in their selection of experts to conduct valuation studies, and that many mistakes have been made; but the almost invariable consequence of valuation has been to compel the utility companies to justify by concrete facts the validity of their claims, and this has had a most salutary effect upon their conduct.

If the foregoing discussion of the rate problem has done nothing else, it has demonstrated the need for public control of the financial operations of the utility industry; and this is the third objective of public regulation of the utility industry. Only by careful and rigid supervision of stock issues, bond issues, contracts, purchases, and accounts can the public utility commission or other regulatory body acquire the information which is essential to intelligent regulation and at the same time prevent those nefarious financial practices which saddle undue costs upon the public. Nearly all public utility commissions now have authority to prescribe, control, and supervise accounting methods. Public control over contracts and purchases is becoming increasingly common, and we are approaching the time when no utility company will be allowed to issue securities without special permission from the public utility commission.

3. Control of financial operations of company

A noteworthy departure in public utility regulation during the past two decades is the service-at-cost plan. The essence of this plan is that the city and the company agree upon the principle of service-at-cost to be effectuated as follows: (1) The city and the company agree upon the capital investment, the figure being reached by a process of valuation in which they participate equally. (2) The city and the company agree upon the rate of return. (3) The city and the company agree upon a mode of determining operating costs. (4) The city and the company agree upon a sliding scale of rates, and provide a scheme for adjusting rates upward or downward in order that the agreed return may be always realized. (5) The city and

The service-at-cost plan

the company agree that stock issues, bond issues, or borrowings of any other character, extensions, additions, capital improvements, and other transactions affecting either operating or capital costs shall be under public supervision and control. Service-at-cost has for the company the advantage of relieving it of the danger of financial adversity. When business falls off and its revenues decline, its rates are automatically increased under the service-at-cost agreement to keep its income up to the agreed rate of return. It is likewise assured that when its operating costs and capital investment are increased, as they may be by agreement with the city, its income will be correspondingly increased. For the city the service-at-cost plan has the advantage of stabilizing the relations between the city and the company and insuring to the city a means of controlling the fundamental operations of the company. Rates fluctuate, and unfortunately are likely to be higher in periods of depression than in periods of prosperity; but this is compensated for by the fact that they cannot be kited and kept high by artificial means.

The service-at-cost plan is open to criticism on several counts, the most important being that it destroys the incentive for economical operation because of the ease of charging the cost of operation against the city. It is also argued that the fixed rate of return and the fixed valuation place the company at a serious disadvantage in competing in the marts of money, labor, and materials with concerns not so limited. However, the service-at-cost plan has not yet emerged from the experimental period. The most interesting fact about it from the standpoint of one concerned with drifts and trends is that its adoption is a definite step towards the socialization of the utility industry; for service-at-cost falls not far short of public ownership. Private initiative and private interest surrender almost completely to public service.

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Questions and Problems for Discussion

1. Ascertain the relationship of the utility concerns serving your community to the government of your city.
2. Are you satisfied with the way in which the utilities of your community are being regulated?
3. Do you think public ownership would improve the situation in your community?
4. Would you prefer working for the city to working for a private utility company?
5. Analyze your last month's electric light or telephone bill with a view to ascertaining how much of your payment represented profit to the utility company.
6. Do you think your bills for utility services would be lower under the service-at-cost plan than at present?

CHAPTER XXII

CITY PLANNING

Haphazard city-building has been one of the most costly mistakes of the human race. Forgetting that a city is a place wherein people dwell and work out their destinies not in a day or a year or a decade but throughout generations and even centuries, men laying the foundations and guiding the development of cities have taken too little thought of the morrow. The layout of streets, the parcelling of land, the location and areas of parks and open spaces, harbor facilities, local transportation and other utility facilities are all planned, but generally by private individuals concerned principally with their own immediate profit and advantage. Community planning of the physical development of the city and community control of individual planning are of such recent origin that the world has yet to get used to them. Each generation, according to the custom long in vogue, pays for the mistakes of the past and charges its own mistakes to the future. It has taken a long time to make headway against this prodigal practice, and it is yet far from overcome. In recent years, however, the tremendous acceleration of technological progress and of economic and social forces has brought about such frequent and sweeping transformations of the physical structure of our cities that the cost of yesterday's mistakes is too great for today's generation to endure. To remake the physical features of the city once in a half-century or even once in a century lays a tremendous burden upon the resources of the community; to do it once every decade or two is intolerable.

City planning a modern necessity

Consequently there has been during the past dozen years, and especially since the motor vehicle has so greatly accentuated urban congestion, a tremendous surge of interest in city planning; for it has become evident that city planning, wisely conceived and prudently carried out, offsets and counteracts the costly discrepancies between past arrangements and present needs. City planning in the modern sense undertakes to modify

the present layout of streets, to control future developments in street arrangement, to regulate the plotting of subdivisions, to govern the development of public utility systems, to determine the character and location of parks, playgrounds, and public buildings, to provide for water supplies and sewerage, to regulate and control the uses of private property in such ways as to eliminate obstacles to proper city growth and development, to promote sound progress in economic and social life, and to perfect and beautify the physical aspects and arrangements of the city so as to serve the needs of the future as well as of the present.

The objects of city planning

The need for city planning is obvious everywhere, and particularly in the United States where urban growth has been unusually rapid and very little subject to community control. The street plan of the average American city is an obstacle rather than an aid to the circulatory processes of urban life; parks and recreation fields are inadequate in size and character and imperfectly situated to serve the needs of the population; land plattings are not correlated with either the present or probable future requirements of the city as to open spaces, traffic channels, and industrial development; public utility systems, conforming to the existing street plan and building lot arrangements, find efficiency and economy most difficult to achieve; public buildings are improperly located both from the utilitarian and the aesthetic points of view; and housing facilities and property uses advertise the want of anything approaching judicious consideration of the present needs or the future welfare of the community. Like an untutored child, the American city has grown up without discipline or control, and now arrives at maturity with disorder and maladjustment as its most striking characteristics.

The need for city planning

"City planning," says Professor Munro, "is often spoken of as a modern development and correctly so if we are thinking only of its widened scope. But certain physical features of community planning were the subject of expert study more than two thousand years ago. The cities of the ancient world were planned in part, sometimes in considerable part. But in the dark centuries which followed the overthrow of Rome this remnant of urban civilization disappeared along with many others; the older cities of mediaeval Europe became areas of indescribable squalor, while the newer towns grew up in chaos and wretchedness. . . . During the fifteenth

City planning in former times

century some attention was given to civic replanning, particularly in the prosperous commercial cities of Italy and the Hanseatic regions, but this reconstruction never assumed comprehensive proportions. The city played no great part in mediaeval life; it was merely an isle of safety; likewise a place of misery and pestilence; a sprawling slum which the rich and powerful and intelligent avoided whenever they could. What there was of romance and glamor and chivalry during these thousand years of European history associated itself with rural life." [1]

Unfortunately it was during the benighted period thus vividly described that the principal cities of Europe took form; and by the time western civilization had advanced to the point where the importance of city planning was clearly appreciated the physical development of these municipalities had gone so far and had become so definitely solidified in the mediaeval mold that sweeping reconstruction was possible only when a city was razed by some titanic catastrophe or when a potent despot was able to override all opposition and remake a city according to his own fancy. But these opportunities did not often come, and were seldom capitalized to the fullest extent when they did. London rejected Sir Christopher Wren's admirable plan for the rebuilding of the city after the great fire of 1666, and thus lost her chance to become the model city of the western world. Paris gained some slight embellishment at the hands of the imperious Louis XIV, but Versailles was the child of his dreams. Peter the Great built himself a model capital on the Baltic, Frederick the Great beautified Potsdam, and various other potentates, under the spur of vanity, dabbled occasionally in the art of city building, but no comprehensive movement for city planning emerged until the latter years of the nineteenth century.

America's lost opportunity for city planning

The world's most remarkable opportunity for city planning on a magnificent scale came with the colonization of the Americas. With the experience of Europe to guide them one might suppose that the founders of cities in the new world would have taken advantage of this unparalleled opportunity to lay foundations that would make permanently for beauty and utility in such combination as would provide for all the needs of urban life. But it was not done. The Latin Americans appear to have been somewhat more prone to civic embel-

[1] Munro, *Municipal Government and Administration,* Vol. II, p. 72.

lishment than their northern contemporaries, but did not evince much better understanding of the fundamentals of city planning. Most of the early settlements in the United States were not planned at all, but grew up quite haphazard, as the older portions of Boston, New York, and other cities of colonial days eloquently testify. The one conspicuous exception was Philadelphia, where William Penn laid out his famous gridiron plan. This simple plan with its parallel streets and rectangular intersections became the model after which the vast majority of American cities have patterned their street layout. It was the easiest of all plans to conceive and put into effect. Almost any bungling duffer could plat a townsite, and subdivisions could be laid out and tacked on almost anywhere by energetic real estate promoters. Furthermore, this rectangular plan was exceedingly economical in its use of land for streets and other public purposes, leaving the largest quantum possible for private use, a feature which did not render it unpopular with private interests desiring to reap the utmost profit from the anticipated growth of the city.

The remarkable plan of Washington, D. C.

The supreme achievement in city planning in the United States is the national capital. At the time of the establishment of the District of Columbia Congress commissioned Major Pierre-Charles L'Enfant, a French military engineer who had served in the American forces during the Revolution, to prepare a plan for the proposed capital city on the Potomac. The plan evolved by L'Enfant made use of the gridiron arrangement of streets, but superimposed upon this a number of diagonal thoroughfares connecting important points in the projected city. The large areas reserved for parks and public buildings and the numerous open spaces for landscaping and monuments render the city of Washington unique among American municipalities. When we recall that the area embraced by the plan of Major L'Enfant has, during the past century and a quarter, been transformed from virgin wilderness to a city of a half-million souls, still remaining the best planned city in the United States and one of the best in the world, we can appreciate the wizardry of L'Enfant's work. It is indeed regrettable that the L'Enfant plan instead of the Penn plan was not taken as model by the founders and builders of later American cities; but the city of Washington was too small in the early years to furnish a concrete object lesson, and the abstract features of the plan did not commend it to the practical American mind.

Europe never had America's opportunity to plan and build cities from the ground up, and her progress in the science of city planning has been the more remarkable for that reason. The prodigious concentration of population in cities following the Industrial Revolution, in cities already overcrowded and underprovided with streets and open spaces, resulted in a clearer realization in Europe of the imperative necessity of city planning than in America where land was cheap and space so plentiful that vacant lots comprised a large portion of the area of the average city. It merely needed a striking example to stimulate all Europe to emulation, and this example was furnished by the city of Paris. The first Napoleon inaugurated a most ambitious program of municipal reconstruction in Paris, and when his nephew, Napoleon III, came to power he launched and carried through a program of rebuilding which has made Paris the cynosure of the western world. The planning and reconstruction movement initiated by the third Napoleon, instead of ending with the completion of a few striking projects or with the exit of the emperor himself from the political scene, has been amplified and expanded as time has gone on. The rebuilding of Paris now goes forward continuously and almost uninterruptedly. Recent news despatches (August, 1928) tell us that a gigantic city planning program involving the demolition and rebuilding of some seventy streets has just been undertaken by the French capital.

European progress in city planning

The achievements of Paris have inspired emulation throughout all Europe. In Germany particularly the city planning movement gained enormous popularity during the closing decades of the last century.

"German cities," says Dr. Frederic C. Howe, "were unprepared for the industrial awakening and the rapid increase in population which began in the eighties. Those of the south were surrounded with fortifications over which the population spread into the outlying districts. Land speculators began to lay off allotments with no other concern than their own immediate profit. Rings of mean streets appeared round about the old towns, while tenements were erected into which the population was herded much as it is in England and America. There was no adequate provision for industry, and factories located themselves anywhere without regard to the community, just as they do with us. In addition the old towns were built for military protection. The roadways were narrow and crooked. They were not designed for street railways or business traffic. There was little provision even for vehicles in mediaeval

times, when industry was of domestic character and the cities were congested into the smallest possible areas as means of protection from their many foes. Nor was there much concern for health and sanitation in those days. The sewers were inadequate, the streets badly paved, and the municipal life was for the most part grouped about the court or market place.

The rise of city planning in Germany

"This rapid urban growth threatened these old cities just as the tenements, springing up all around them, threatened the health and beauty of the community. The inner towns were not adjusted to modern industrial needs, while new standards of sanitation and health became necessary, as did more generous provision of air and light. Provision had to be made for the mill and the factory, for the railway and terminals. Parks, open spaces, and schools had to be provided in response to the democratic movement and the enlightenment of the state which has gone hand in hand with the industrial revolution.

"The art of town planning had its birth in these necessities. . . . Germany determined that the city should be built with an eye to the needs of all its people as well as its highest industrial efficiency. And in a comparatively short time Germany has built industrial communities as beautiful as Washington. There are factory towns as full of the joy of living as Paris. . . . The city is planned from the bottom up and from center to circumference. . . . There are municipal artists, architects, planners, engineers, and financiers, to whom the building of cities has become a science, just as much a science as the building of engines." [2]

German leadership in city planning

Once converted to the gospel of city planning, the cities of Germany forged quickly to the front as the leaders of the city planning movement, becoming at once the marvel and the model of the whole world. The debt of municipal science to Frankfort, Cologne, Düsseldorf, Dresden, Munich, Mannheim, and other leading German cities for object lessons in the difficult business of city planning is enormous. Paris gave the world a single superb example of what could be done by a great capital city under the sway of imperial pretensions; Germany gave the world a demonstration of what could be done by any average city possessed of a determination to correct its past mistakes and control its future. The rapid and remarkable transformation of the notable cities of Germany from mediaeval huddles into orderly, symmetrical, beneficent, and beautiful municipalities is one of the great social achievements of modern times, a phenomenon of incalculable influence.

[2] Howe, *European Cities at Work*, pp. 86–88.

The American city planning movement

In the United States the impact of the city planning movement was not perceptible until after the World's Columbian Exposition at Chicago in 1893. The perfection of the architecture, landscaping, and grouping of the beautiful exposition buildings made an indelible impression upon the bourgeois multitudes which thronged the mid-western metropolis during that memorable year, and undoubtedly did much to stimulate interest in city beautification. Gradually throughout the country city after city formulated grandiose plans for the realignment of streets, the creation of civic centers, the building of parks and drives, and for the general embellishment of the municipality. None of these, however, advanced much beyond the conceptual stage. Not until the prodigious urban concentration resulting from the industrial boom incident to the World War had brought many of our cities to the verge of civic and industrial paralysis did the city planning movement obtain serious recognition in this country. Beginning about 1916 our progress in city planning has been almost too rapid and too extensive to be followed in a brief survey. Scores of cities have instituted investigations and studies looking towards comprehensive city planning, and many have inaugurated, and wholly or partially carried through, reconstruction and developmental projects of titanic proportions. By virtue of state or municipal legislation, and frequently by means of both, zoning and other forms of property restriction have been introduced in hundreds of American cities, and city planning boards have been fortified with a degree of power to control the social and economic factors which make and unmake the future of the city. The American city at last is launched upon the well-charted seas of city planning, though with certain limitations of capacity and certain defects of equipment.

Basic problems in city planning

City planning is both a remedial and a preventive measure, and comprehends four basic problems: (1) the problem of legal authority, (2) the problem of administrative organization and procedure, (3) the problem of the technical expedients necessary for carrying out the city plan, and (4) the problem of financing the construction projects essential to the execution of the city plan.

The legal side of city planning is far more prominent in the United States than elsewhere. In most countries the only legal problem in city planning is that of obtaining adequate legislation empowering the municipal authorities to proceed with the

development and execution of the city plan; but in the United States it is not only a question of securing the necessary grants of power but of reconciling these through the process of judicial review with the arbitrary prescriptions of our written constitutions. In this country the courts have the power to declare unconstitutional, null, and void, legislative acts which they deem to be in conflict with the provisions of our fundamental instruments of government, whereas in nearly all other countries the function of reconciling legislative enactments with constitutional mandates belongs to the legislature itself. Outside the United States, therefore, city planning legislation is valid and enforceable if enacted by a legally competent legislative body, while in the United States it is not conclusively so unless the legislation in question has run the gauntlet of judicial review and has been pronounced sound and constitutional by the highest judicial tribunals.

Differences between the legal side of city planning in the United States and in Europe.

The constitutional inhibitions with which most American city planning legislation is in danger of coming into collision are the common guarantees for the protection of personal and property rights. The national constitution and all the state constitutions forbid the taking of life, liberty, and property without due process of law, the denial to any person of the equal protection of the laws, the impairment of the obligation of contracts, and the taking of private property for public use without just compensation. The construction placed upon these prohibitions by the various state and federal courts puts beyond the pale of constitutional sanction all police legislation which does not commend itself to the courts as in keeping with our traditional principles and usages in government. The courts have repeatedly held that the safeguarding and promotion of public health, safety, and morals and perhaps certain other imperative public needs will justify legislation encroaching upon the realm of individual freedom in matters of person and property; but unless such a justification can be shown, the courts view all such legislation with suspicion and disfavor, however good its purpose and however salutary its effect. Moreover, when public health, safety, morals, and other vital exigencies are made the basis of legislative interference with private rights, the courts are wont to exhibit with reference to such legislation a glacial skepticism which puts upon the proponents of the measure the burden of proving to the satisfaction of sometimes narrowly legalistic judges the existence of a

Constitutional difficulties in the United States

rational relation between the legislative expedients adopted and the advancement of one of those fundamental objects for which the police power may be properly employed.

In the field of city planning this predisposition of the judiciary to literal, strict, and traditional interpretation of constitutional guarantees has placed serious and often insurmountable barriers in the way of the execution of city planning projects. Attempts to fix building heights, to prescribe the set-back of buildings from the street line, to regulate the construction and location of billboards, to establish restricted zones for the various industrial, commercial, and residential uses, to condemn and appropriate land in sufficient quantity to protect the future of an improvement, and to restrict private freedom in various other ways essential to sound city planning have often met with checkmate and rebuff at the hands of the courts. Aesthetic values have almost never appealed to the courts as having sufficient social importance to warrant police legislation, nor have the courts been conspicuously more generous in sustaining legislation designed to promote the general comfort and convenience of the public. Fortunately, however, the last two decades have witnessed a remarkable thawing of the judicial attitude towards city planning, and we now often find courts laboring to discover plausible relations between particular regulations in the interest of city planning and the promotion of public health, safety, and morals. If they cannot, for example, uphold billboard legislation on aesthetic grounds they may discover that billboards constitute a potential menace to the morals and safety of the community. Thus they indulge the comfortable consciousness of not breaking with the legal dogmas of the past and at the same time give the affirmative nod to progressive legislation. Indeed, the Supreme Court of the United States, in the recent (1926) case of the Village of Euclid *vs.* the Ambler Realty Company, went so far as to declare, in upholding a drastic zoning ordinance, that modern social and economic developments make it necessary to disregard precedents almost altogether. Such decisions have opened the way for American cities to proceed with ambitious and far-reaching undertakings in city planning, not without reference to judicial sanction as in Europe, but with the judicial blessing bestowed as a reward for pursuing the tortuous trail of litigation to the end.

Recent judicial tendencies more liberal

The problem of administrative organization and procedure

for the effectuation of city planning does not present serious difficulties. Practically all city departments are in some way involved in the operations incident to city planning, but it has been found that the conception, formulation, and execution of a city plan is not a task that can be readily and effectively discharged by existing agencies of government. There must be an agency capable of considering the problems and needs of the city as a whole and of articulating and correlating the processes of all departments in the carrying out of the city plan. In the earlier days of city planning it was quite common for an unofficial committee of citizens to be selected for the duty of preparing recommendations for a city plan. These bodies would perform their advisory function, make their report, and then dissolve, leaving to the city council and other agencies of government the responsibility of putting their recommendations into effect. What followed as a rule was that the report was duly received, applauded, discussed, and then pigeonholed; for no one felt any immediate responsibility for carrying the matter beyond the report stage. However, as the exigencies of municipal life have become more desperate and as the need for city planning has, therefore, become more immediate and imperative, it has become obvious that city planning is a continuous problem calling for the creation of official planning agencies of a permanent character.

The problem of administrative organization for city planning

In the United States at the present time almost the first step in city planning is the creation of an official planning body, commonly known as the city planning commission. The power of the city government to institute such an agency and empower it to function as director of the city plan depends upon the extent of the city's freedom from central control. In many cases the city is entirely dependent upon central authority and can make no move in city planning without the sanction of the central government. By special statutory or constitutional authorization, however, cities in some states have come to enjoy large freedom in instituting the city plan and providing the machinery for its execution. In either case the city planning commission generally consists of from five to fifteen persons who are as a rule appointed by the mayor of the city with or without councilmanic confirmation. It is not uncommon to include in the membership of the city planning commission certain officials, as the city engineer, the superintendent of parks, or the corporation attorney, as *ex officio* members. The com-

The city planning commission

mission, being primarily a deliberative body whose members do not give full time to its affairs, generally has a secretary who is charged with responsibility for its administrative business.

The powers of city planning commissions vary widely, but may generally be comprehended under one of the following heads: (1) purely advisory, (2) approbative, (3) initiative, and (4) compulsive. All planning commissions have powers of a purely advisory nature, and some have no other kind of power. The commission is merely authorized to make studies, prepare plans, and submit recommendations, but has no positive authority. In addition to advisory powers some cities have endowed their planning commissions with a certain amount of approbative power, that is, power to approve or disapprove legislative proposals and administrative actions bearing upon the city plan. In some instances the disapproval of the commission operates as an absolute veto, and in other cases it has merely the effect of a suspensive veto. Some cities also have given their planning commissions power to take the initiative in proposing matters for action to the legislative body of the city, and require the legislative body either to accept or reject measures proposed by the city planning commission. Finally, in a limited number of municipalities, the city planning commission has been given compulsive power to initiate and carry through projects just as though it were a city council or a board of public works, subject usually to the same financial restrictions as are operative against the legislative body of the city. As has just been intimated, such positive authority is not very frequently given, but advisory, approbative, and initiative powers are quite freely bestowed upon city planning bodies.

The powers of city planning commissions

The technical, or what might be called the "planning" side of city planning, embraces the planning and control of street developments, the regulation and control of public utility developments, the proper location and articulation of terminal and waterfront facilities, the planning and development of park and playground facilities, civic art in all its public aspects, housing, and what has come to be styled zoning.

Scope of planning

The street problem is the first stumbling block of all city planners. There are very few opportunities for street planning *ab initio*, and most modern cities find the recasting of their street arrangements almost prohibitively costly. The best that can be done by a city whose street layout has definitely crystallized is to control its peripheral development so as to provide

The street problem

a proper street plan for the unbuilt portions of the city, and to correct by reconstruction as opportunity arises the most serious defects of its existing street plan. It is not often that the wholesale demolition and rebuilding of streets becomes possible; but it is always possible to straighten and widen streets that carry an exceptionally heavy flow of traffic, to eliminate bad grades, dangerous crossings, and blind corners, to connect up dead-end streets with thoroughfares that lead somewhere, and to correlate building lines and building heights with the character and capacity of the appurtenant streets. Such measures produce many problems and difficulties, but none that are insurmountable. Scores of cities during the last few years have substantially remade certain of their main arteries of traffic by procedure of the kind outlined above. In many of these cases it has been necessary for the city to acquire sufficient property by purchase or condemnation to make possible the razing or removal of buildings standing in the way of widening, straightening, or otherwise adapting streets to the needs of modern traffic. This has been a slow and expensive process and has often precipitated obstructive and dilatory legal battles; but insistent public demand for relief from the intolerable distress incident to traffic congestion has usually triumphed in the long run.

Importance of controlling the future development of streets

Although a general revamping of its street plan may be out of the question, it is possible for every city to establish a basis of control and a method of procedure which, if consistently applied over a long period of time, will eventuate in a profound transformation of the character and arrangement of its streets. Continuous control of this kind, gradually altering the nature of the street as changing business conditions alter its use, should be the immediate as well as the ultimate object of every city planner. A city is a living, growing thing; reconstruction and readjustment are always going on in the social and economic processes of city life; the city is forever being rebuilt. By rigorously and intelligently regulating the private rebuilding of the city to conform to the terms of a comprehensive and far-seeing city plan, it may be possible in course of a half-century or a century to effect a remarkable metamorphosis of street uses and arrangements. Changes which await the delayed outcome of such slow-moving methods must of course be driven through by more arbitrary means.

The beautification of the city

The casual eye perhaps is more attracted by the beautification and embellishment of streets than any other feature of city planning. It may seem to be an exaggeration of the importance of secondary matters to say that the city must definitely control such matters as the planting, care, and removal of trees, the placing of lighting standards, the erection of signs, the location of statuary, and the utilization of sites for monumental buildings; but in no other way is it possible to realize the dream of the city beautiful. Private taste and private judgment uncontrolled by public authority rarely produce harmonious ornamentation of streets. Certain species of trees, for example, are suitable only for residential districts, while others may be used most effectively on business thoroughfares; certain types of planting may be necessary in one portion of the city to conform to the general character of the city plan, while in another part of the city a wholly different type of planting may be necessary for the same reason. Certain types of ornamental equipment may be suitable for business streets and entirely inappropriate for residential streets. The only way to control the development of streets and boulevards so that they will give the appearance of being integral parts of a beautiful and well-composed civic scene is through the exercise of governmental authority.

The values of beauty

Nor should it be supposed, as certain practical-minded people are wont to believe, that civic beautification is a matter of secondary importance as compared with city planning for industrial, commercial, and other material ends. The dividends of civic embellishment may be less tangible but they are no less real than the dividends of civic control of the factors conditioning the economic processes of life. The advertising value of city beautification is well known; but the tremendous contribution of civic beauty to the mental and physical health of the city's inhabitants, to the development of social idealism and the fostering of civic loyalty, and to the advancement of good citizenship and the furtherance of cultural progress is but faintly appreciated at the present time.

Civic art

Along with the beautification of streets go all other phases of civic art, including such problems as the location and landscaping of statues and monuments, the architecture and grouping of public and semi-public buildings, and the design of viaducts, bridges, and similar structures. These cannot be safely left to private determination, or even to the judgment

of the average city council. Though it is perhaps a harsh rule that denies private philanthropy the right to ornament the city at will, such a rule is the city's only protection against the gaucheries and grotesqueries of private taste. Only by making the approval of the city planning authorities a necessary condition for the final determination of all matters affecting civic art can the city be assured that the beauty and symmetry of its plan will not be marred by innumerable monuments to the bad taste of well-meaning citizens.

The question of the proper location of parks, playgrounds, and other recreational facilities we have already considered in Chapter XVII. As was pointed out there, it is highly important that these should be planned as to size, design, and location to serve the needs of all classes and conditions of people, as well as all sections of the city. It should be further recognized, however, that these recreational properties are of transcendant importance in the development of a city plan. They afford opportunities for the development of civic and community centers, for the laying out of drives and boulevards, for the most effective location of fountains, sculpture, museums, and various structures of an ornamental nature, and also for the development of housing schemes and zoning plans on a highly perfected basis. A city without a system of parks, recreation grounds, boulevards, drives, etc., of a systematic and comprehensive character, planned and developed to supply the general contours within which the details of the city plan may be etched as the city grows, lacks one of the most fundamental ingredients of a city plan.

Parks and the city plan

City planning has sometimes been viewed as nothing more than an aesthetic cult of great interest to professors and women's clubs but of no great significance to the practical life of the city. Persons who entertain such curious prejudices are usually devoid of all conception of the bearing of city planning upon such knotty and immensely practical problems as the efficient development of public utility systems, the proper location and utilization of port and terminal facilities, real estate promotion, housing developments, and the regulation of property uses and developments.

City planning and the municipal services

A city may lay its sewers and water mains without plan and forethought, meeting current needs as they arise and giving little attention to probable future needs and developments. But the city which pursues this improvident course is sure

to come to grief through failure to anticipate future exigencies and to make provision today, when it should be easy and inexpensive to do so, for meeting tomorrow's needs as they arise. It is the same with rapid transit facilities, with terminal facilities of all kinds, and to a very considerable extent also with telephone and gas and electric distribution systems. Every one realizes how painfully expensive it is to lay and re-lay water and sewer lines, but few appreciate that practically the same situation arises in the readjustment of all other utility services to meet the requirements of a growing city. The only way to avoid such mishaps is through faithful adherence to a city plan which will control the construction operations of utility services so as to insure building with reference to anticipated future developments. The street railway and other rapid transit facilities of the city should not be allowed to grow in a haphazard and disconnected way, but should be evolved as a carefully planned system coördinated at all points with a definite city plan. Such has not, of course, been the experience of the great majority of cities. Street-car tracks have been laid and lines of service have been extended to meet the exigencies of promotional speculation and inter-corporate rivalry rather than to meet the real transportation needs of the public and to provide intelligently for the future growth of the city. And it is this fact quite as much as the financial distress occasioned by wartime inflation and post-war deflation that has necessitated many of the costly and distressing readjustments which have taken place in the street railway industry during the past fifteen years.

Costliness of failure to plan

Most cities have been similarly neglectful of the importance of planning in the development of gas, electric light, and telephone services. We pay an enormous price for allowing these utilities to determine their extension policies with reference to the schemes of private real estate speculators rather than according to the actual present and probable future needs of the city as shown by a well-considered and comprehensive city plan. It is reflected in both the rates we pay and the service we get. Overbuilding in sparsely populated sections of the city and underbuilding in the more densely inhabited sections are almost universal mistakes in public utility development. Somebody has to pay for the thousands of poles, the miles of wire, and the miles of rails used to carry utility services to vacant lots all over the city; somebody has to pay for the

replacements and additions necessary to serve sections of the city where the existing equipment is inadequate; and that somebody is always the consuming public. City planning which controls physical development of the city and correlates public utility development with this controlled growth of the city would avoid the costs incident to overbuilding and underbuilding.

We have also been blind to the vital importance of terminal and waterfront facilities. We have permitted railways to locate freight and passenger terminals according to their own caprice and without much reference to street plan, local transit facilities, population centers and movements, and industrial and commercial necessities. Oftentimes a single railway has been allowed to grab the right of way along the most valuable water frontage in the city and hold it to the exclusion of all other transportation interests and in defiance of the welfare of the city as a whole. We have allowed water terminal and railway terminals to be located and built without much thought of correlation, and with little or no consideration of the problems of harbor development. It is true as a rule in every city that it costs more to get one hundred pounds of goods from the cars or the ship to the consignee a few blocks across the city than to transport the same consignment a thousand miles or more across land or sea. City planning can do much to avert the excessive costs of terminal transportation. A soundly conceived city plan includes as one of its essential features the location and correlation of all terminal facilities so as to reduce to a minimum the time and labor factors in terminal operations.

The price of unplanned terminal facilities

The provision of housing facilities for the population is not commonly regarded as a governmental function, although the emergencies of the war and post-war periods have caused some venturing in this field. Nevertheless cities are deeply concerned with the housing problem because of its obvious relation to the safety, health, morals, and general well-being of the people. Many expedients have been adopted to forestall the building of undesirable tenements and to encourage the construction of tenements conforming to proper standards as to safety and sanitation. Since the war the economic side of the housing problem has been even more prominent than the structural side. How to secure any housing facilities at all, let alone proper housing facilities, at reasonable rates of rental

City planning and housing

has been the puzzling problem municipal authorities have had to face. City planning, or the absence of it, has a very direct and immediate relation to the housing problem. Shortcomings in city planning produce congestion of population, inflation of land values, improper use of building sites, and many other conditions inimical to housing developments of the right kind. A well-conceived city plan, although it will not insure the kind and quantity of housing construction needed by the city, will, if faithfully and efficiently adhered to, remove the most serious obstacles to the realization of that much-desired end.

Evils of uncontrolled property uses

One of the newest turns of the city planning movement is what has come to be styled "zoning." This development is the child of urgent necessity. For many years our cities have tolerated indiscriminate use of land and buildings within the urban area for almost any purpose the owner might desire if it did not constitute a common law nuisance. About the only form of restriction was that of covenants in deeds, and this was none too effective. The imposition of such restrictions, and likewise their enforcement, depended almost entirely upon private initiative. Furthermore they were not and could not be uniform through the city, could not last indefinitely, and could not be enforced without much trouble and expense to the complaining property owners. The ineffectiveness of restrictions on property uses, or the utter absence of any such restrictions, has caused most of our cities to be visited with a pestilential procession of economic tribulations. We have seen vast sections of our cities blighted, established values wrecked, and sound future progress frustrated by the repeated intrusion of noisome and corrosive property uses in districts devoted to less offensive purposes. We have seen choice residential sections destroyed by invading mercantile or industrial establishments, fine retail and apartment districts spoiled by the intrusion of garages, laundries, and dry cleaning establishments, and splendid commercial sections ruined by factories, mills, and packing plants. The ruin of a district by the invasion of subversive uses has brought tremendous losses to property owners through depreciation and equally tremendous gains to speculators able to take advantage of the chaotic fluctuations of property values resulting from such causes. But the sound and stable development of the commercial and industrial life of the community has been seriously and sometimes per-

manently retarded by the security and uncertainty incident to this frenzied dancing of property values.

To counteract such evils, various German cities, and later cities elsewhere in Europe, and finally in the United States, have resorted to the device of setting aside certain areas, districts, or zones, as they came to be called, for each important type of industrial, commercial, or residential use, and then maintaining the special character of these zones by legal and administrative means. Describing the methods of control in vogue in Germany, Dr. Frederic C. Howe said in 1917:

Zoning in Germany

"Cities determine the uses to which land can be put by the owners. Factories are required to locate upon the railway or harbor and on the side of the city away from the prevailing winds. . . . Terminals and railway connections are built with switches, sidings, and spurs which are linked up with the canals and water-ways to insure economical handling of freight. . . . The territory near the factory district is dedicated to workingmen's homes, where the streets are planned with this object in view. In the neighborhood, parks, playgrounds, and public baths are usually provided. . . . Cities still further control the growth of the city by what is known as the zone system. The council divides the city into districts in which the building regulations are fixed in advance of local development. These building ordinances prescribe: (1) The amount of land that may be covered by buildings; (2) the height of the structures that may be erected; (3) the distances they must be located back from the street, and (4) the space which must be left between the buildings."[3]

Zoning developments in the United States

At the time of the writing of those lines the zoning idea was such a novelty in the United States that not more than a half-dozen American cities had enacted zoning ordinances, and those were tentative and experimental. Ten years later nearly five hundred American cities had adopted zoning laws of more or less comprehensive character, some of them being more advanced than anything that has yet appeared in Europe. Although American cities were more backward than European cities in taking up the zoning idea in the first place, the Protean consequences of the complete motorization and industrialization of urban life in America have spurred the cities of this country to go faster and further in the development of zoning methods and technique than most European cities.

Contemporary zoning practice in the United States pro-

[3] Howe, *op. cit.*, pp. 100–101.

Contemporary zoning practice

vides for the division of the city into three kinds of districts — use districts, height districts, and area districts. Each of these in turn may be subdivided into as many subdistricts as the variegation of social and industrial conditions in the city may render expedient. Use districts are commonly of six different kinds — single dwelling districts, multiple dwelling districts, retail business districts, commercial districts, ordinary industrial districts, and heavy industry districts. Height districts are usually divided into four or five different classes according to the maximum building heights prescribed for each structural use, and area districts are likewise subdivided according to the amount of ground space to be used for building purposes. The use districts are first determined, and upon these are superimposed height and area districts determined according to the nature of the use district. Thus if a given district should be designated as a retail business district, it will also be designated as a height and area district which will permit only the type of construction suitable for or not incongruous with retail business uses, that is to say, the height of the construction permitted and the amount of ground space to be covered will be such as to foster construction for retail business uses only. Likewise if the district should be designated as a single dwelling district, height and area restrictions will be applied to control the use of land so that nothing but single dwellings may be erected. So with all other uses. The idea is to assign a certain area to a certain type of use, and then to impose and enforce restrictions which will keep out all uses which would destroy the character of the district.

Practical limits of zoning

If a city could be built anew from the ground up, it would be possible by the zoning arrangements just outlined to control absolutely the development of every area in the city. Use districts would be laid out with corresponding districts to regulate height and area, and all non-conforming uses and structures would then be inhibited. But in applying zoning to a city that is already largely built up it is impossible to accomplish so complete a reformation of the social and economic texture of the city. Non-conforming uses can be excluded from a use district in the future, and future building operations can be made to comply with height and area restrictions; but non-conforming uses already located in a use district cannot be expelled or non-conforming buildings summarily torn down. The only thing that can be done is to prohibit improvements

and renewals which would perpetuate the non-conformity, and then when in course of time obsolescence causes the abandonment of buildings devoted to non-conforming uses to compel the removal of the use to its proper zone or district and to forbid the reconstruction of the building except in conformity with zoning restrictions.

Administration of zoning

The administration of zoning law is usually confided to a board or commission, sometimes the regular city plan commission and sometimes a special body. The functions of this body are to carry out the details of the zoning law and make such adjustments and modifications as circumstances render expedient and just. It is impossible of course for a zoning plan to be drawn with such perfect prevision of all future contingencies as to make changes and deviations unnecessary. After the formulation of the plan and the establishment of the districts the usual scheme is to require that all building plans and all building uses shall have the approval of the city planning or zoning commission. The commission is then empowered to rectify errors made in passing upon building permits, to decide borderline and exceptional cases, to vary the literal requirements of the zoning law in cases where there are practical difficulties or unnecessary hardships, and to prescribe alternative methods of fulfilling the purposes of the zoning plan. In this way the commission is able to control all future developments and at the same time suspend the strict enforcement of the law where conditions make it desirable and proper. This function calls for the highest impartiality and integrity, and also for a profound understanding of community needs and interests.

Regional planning

Another phase of city planning that is now receiving increased attention is what has been termed regional planning. Some sections of both the United States and Europe have become so completely urbanized that it is impossible for a single municipality to launch and carry out a city plan without consideration of and adjustment to the plans and programs of neighboring municipalities. Particularly is this true in the vast urban areas tributary to such great metropolitan centers as London, Paris, Berlin, New York, Chicago, Philadelphia, Boston, and San Francisco. There has arisen accordingly a movement for regional planning. Regional planning goes no further in most cases than the creation of an advisory body to attempt the articulation and coördination of the planning programs of

the constituent municipalities in the region concerned. In a few such cases, however, regional planning boards with positive legal authority have been established. These bodies exercise a general supervision over the city planning arrangements of all municipalities under their jurisdiction, and in one or two cases they have displaced and acquired the powers of all other city planning bodies.

Financing the city plan is not a subject to which the city planning enthusiast is inclined to give much thought; but it not infrequently happens that the most serious obstacle to comprehensive city planning is that of finding the money necessary to underwrite the land purchases, the rebuilding operations, and the constructional and improvement programs essential to the execution of a city planning program. In the United States, where cities commonly operate under constitutional or statutory restrictions as to taxation and indebtedness, the financial problems incident to city planning are frequently more complex than those encountered by European cities. The financial powers of European cities are not subject as a rule to rigid and specific statutory or constitutional inhibitions. The European municipality, with the sanction of the proper central administrative authorities, may generally levy taxes or borrow money in any amount and for any purpose, whereas in the United States there is no way for a city to surmount the explicit prescriptions of the law by means of administrative sanction.

Financing city planning

Since cities may obtain money in but three ways to finance their various activities — taxation, borrowing, and special assessments — and since the arbitrary and inelastic legal limitations just referred to seriously cramp the taxing and borrowing powers of American cities, there has been in this country a pronounced movement to finance city planning by special assessments. Special assessments are levies or charges made upon property abutting, adjoining, or in the vicinity of an improvement, and not upon all parcels of property in the city. Such special charges are levied upon the abutting or near-by property on the theory that the improvement enhances the value of the property and thereby confers a benefit upon the property owner for which he may be justly charged. According to American law the general rule is that special assessments may be levied only when the property derives a special and peculiar benefit from the improvement, and then not to exceed the amount of the benefit. It is obvious, therefore, that certain

The increased use of special assessments

kinds of city planning improvements cannot be readily financed by the special assessment method. Of such character perhaps are monuments, public buildings, bridges, viaducts, and some kinds of parks and playfields. Street improvements, boulevards, local parks and playgrounds, and various kinds of street ornamentation are generally considered to confer sufficient benefit upon the near-by property to warrant the use of special assessments to cover part, if not all, of the cost of the improvement.

The question of burden and benefit

It is always a question, however, whether it is sound policy to load too heavy a burden upon adjoining or near-by property, even though it may be assumed to be benefited more extensively than property more remotely situated from the improvement. It may be doubted whether the enhancement of the market value of the property is always a correct standard for measuring the real distribution of benefit, and it is quite probable in the case of some improvements that there are benefits to non-property owners and to the owners of remote parcels of property that are not reflected in the real estate market quotations. There is also the question of whether it is good social policy to localize the interest and the responsibility for improvements that are essential to the working out of the city plan as a whole.

Nevertheless under the legal restrictions upon the financial capacity of municipalities which prevail quite generally in the United States there is bound to be increased recourse to special assessments as a convenient means of obtaining relief from the severe circumscriptions of state constitutions and municipal codes. Special assessments are not computed in determining regular tax rates, nor are special assessments bonds included in calculating the indebtedness of the city, and this fact affords a loophole of escape from the inflexible financial limitations under which most cities labor. But as pointed out above, many improvements cannot be financed by special assessments, and the number of such improvements is increasing as the scope and operations of city planning are broadened. If the city's financial limitations do not permit it to finance such improvements by general taxation or borrowing, the city's only recourse is to strive for a relaxation of its taxing and borrowing restrictions, or to find a means of circumventing them. The former expedient is difficult to accomplish because state constitutions and statutes are not often changed to accommodate a single

city or even a group of cities. This fact has driven many cities to evasion. One of the favorite modes of evasion is the creation of special municipal corporations coterminous, or nearly so, with the city itself and fortified with separate taxing and borrowing powers. This explains in part the rapidly growing number of port districts, park districts, and other local improvement districts which bedeck the municipal scene in the United States.

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W. B. Munro, *Municipal Government and Administration,* Vol. II, Chaps. XXVI, XXVII, XXVIII.
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Questions and Problems for Discussion

1. Why is city planning a more urgent need today than it was a century ago?
2. Show by concrete examples how zoning affects property values, city beautification, the development of public utility services, and commercial and industrial developments.
3. What major objects should be sought in laying out or in remaking the street plan of a city?
4. Is there any rational ground for the common assertion that city planning will pay for itself?

CHAPTER XXIII

LOCAL CONVENIENCES AND IMPROVEMENTS

One of the chief purposes served by the corporate organization of urban communities is to enable the inhabitants of the community, acting as a corporate entity, to provide and maintain the physical facilities which are essential to their convenience and comfort and satisfaction as members of a congested society. The streets of the city, like the roads of the country, are thoroughfares; but, unlike country roads, they are much more than thoroughfares. They have to carry traffic, both pedestrian and vehicular, usually much heavier than the traffic of the rural thoroughfares, and in addition have to serve as channels for light and air and as passageways for sewers, conduits, tracks, and various other necessities of urban life. Very naturally, therefore, the streets of the city require treatment quite different from the country highways. In matters of drainage, sanitation, and waste disposal we find much the same contrast between city and country conditions. It is not merely that health and safety and economic welfare demand sewers, pavements, sidewalks, street lights, and waste collection — of course they do — but that the massing together of people creates a demand for what might be styled community comforts — things that would be sought for comfort's sake irrespective of their value in promoting health, safety, or material welfare. It is a curious fact, as intimated above, that the desire for municipal comforts and conveniences has furnished the original incentive for the formation of municipal corporations quite as often as the urgency of more vital problems.

Municipal conveniences have furnished one of the chief motives for formation of municipal corporations.

Nearly all local comforts and conveniences in some way involve the use of the streets, and we shall therefore begin with the problem of street improvements. Perhaps the first fact to recognize in making street improvements is that the problem is not confined to the surface of the streets. The sub-surface structures are just as important as the surface structures, and should be planned as carefully in advance. One of the most

The problem of street improvements

distressing sights in the average city is the gutting and ripping up of perfectly sound and sometimes practically new pavements in order to put in pipes, conduits, or other underground structures. This is not a sign of municipal progress, but of municipal stupidity. Most of the pavement openings which keep our cities looking like battlefields could be avoided by the exercise of a little foresight and firmness. No pavement should be laid until all the sub-surface structures which, according to the forecasts of common sense, will be needed during the life of the pavement have been placed in the ground. Property owners should be fully notified and given ample opportunity to connect their property with sewer, gas, water, and other mains before the pavement goes down. Once the pavement is laid, openings should be permitted only when emergencies render it necessary; and if the emergency is chargeable to the neglect or dereliction of the property owner, he should be made to pay heavily for the opening permit. Only in this way can the city protect itself against the inconvenience of street openings and the premature deterioration of its pavements as a consequence of them.

The pavement problem

The street-improvement questions which chiefly agitate the mind of the average citizen are the type of pavement to be used and the manner in which it is to be paid for. The question of the type of pavement to be selected for the particular street is primarily a technical one which should be settled in the end by the engineering department of the city. Unfortunately, however, lay prejudices have to be placated, and sometimes politics altogether supersedes sound professional judgment. City councilmen have been known to disregard engineering recommendations, even to disregard the wishes of the abutting property owners, in order to favor paving companies which had taken the precaution of " salting the palms " of the members of the council. Nor are all municipal engineers free from prepossessions traceable to the judicious tipping of the paving companies.

How pavement should be selected

The determination of the kind of paving to be placed on a particular street is a many-sided problem. The following factors have to be taken into consideration: the grade of the street, the amount of shade on the street, the soil and drainage conditions to be encountered, the climatic conditions to be encountered, the volume and nature of the traffic the street will be obliged to carry, the character of the neighborhood and its

probable development, the original cost of the pavement, cost of upkeep, the character of the pavement surface from the standpoint of safety and comfort, and also from the standpoint of ease and cost of cleaning. All of these, as can be readily perceived, are matters that require detached and careful study by experienced specialists. It is folly to allow such matters to be settled by lay opinion. If competent and trustworthy experts are not to be found in the engineering department of the city, the city should rehabilitate its engineering staff. And if the engineering department is worthy to be trusted in such matters, the council should be obliged to follow its recommendations.

Temporary surfacing materials

All types of paving material and all methods of paving construction have their good and bad points. A summary of these will show the necessity for careful study in the choice of a pavement for a particular street. For temporary use on outlying streets, side streets, and alleys some cities still find it expedient to lay over the surface of the street a covering of gravel, cinders, or ashes. This is not pavement, properly speaking; but for streets that are not subject to more than casual traffic such inexpensive surfacing may defer the need for pavement until such a time as financial conditions will permit a more durable and satisfactory covering. Much the same may be said of oiling streets or covering them with superficial coats of bituminous material, and also of water-bound macadam.

Brick

Of the hard-surface pavings the most commonly used are brick, asphalt, concrete, granite blocks, and wood blocks. Brick pavements, in those sections of the country where paving brick is available at reasonable costs, have proved to be very acceptable. The initial cost is relatively low, the pavement is durable, and the surface offers greater security under bad weather conditions than most other forms of pavement. The riding qualities of brick pavement are not equal to those of some other types, but are not seriously objectionable. Brick pavements are very noisy under horse-drawn traffic, are dirty and difficult to clean, and under some conditions are hard to repair so as to restore anything like the original riding surface.

Asphalt

Asphalt paving is probably the most popular of all. Of the several kinds of asphaltic pavement, the most common is sheet asphalt. The initial cost of asphaltic pavement is generally greater than is the case with other forms of pavement; but the ideal character of the paving under proper conditions generally

justifies the additional outlay. Sheet asphalt presents a smooth, clean, and relatively noiseless riding surface. For residential streets and boulevards, where the grades are moderate and the traffic conditions favorable, it is a most satisfactory form of paving. But it does not stand up well under the heavy pounding of commercial and industrial traffic; it is dangerously slippery in rainy or freezing weather; and it is susceptible to rapid deterioration under certain climatic conditions. Asphalt block has been used with considerable success where conditions demand a more durable and secure surface than sheet asphalt; but no form of block paving can be as smooth and clean as sheet paving.

Concrete

Concrete is a close competitor of asphalt, and has been gaining popularity very rapidly in recent years. Concrete paving claims most of the advantages of asphalt. It can be laid in sheets and thus present a smooth riding surface; it is clean and relatively noiseless; and it presents a somewhat better tractive surface under rainy and icy conditions than asphalt. It stands up fairly well under severe traffic conditions, and, if properly constructed, withstands climatic extremes quite well. Under city conditions it has the disadvantage of being less easy to patch and keep in repair than asphalt. Concrete paving is as a rule much less costly than asphalt. Asphaltic concrete is now coming into general use, and is considered by many authorities to be superior to either the straight asphalt or the straight concrete types of pavement. This is a concrete in which asphaltic cement is used instead of the usual Portland cement.

Granite blocks

Granite block pavement may be called the pavement eternal, but it is expensive, dirty, and noisy; and is suitable for use only in industrial and commercial sections where something that will resist continuously heavy battering must be used. Wood block pavement was at one time very popular; but it has been found not to be as well adapted to automobile traffic as to horse-drawn traffic, and is therefore being discarded.

The importance of a paving program

Every city should have an intelligent and well-balanced paving program, though few do. The selection of streets to be paved and the order in which they are to be paved are all too frequently left to the initiative of the abutting property owners, or to the dictates of political expediency. It should be obvious to all that street improvements should be closely correlated with traffic currents and trends. Arterial thorough-

fares, bearing the heaviest traffic in and through the city, should be selected for improvement first; then the principal feeders of the main thoroughfares, and lastly the little-used tributaries and side-streets. It is a sad commentary upon the intelligence of the citizenry of an urban community to find numerous out-of-the-way streets that lead nowhere splendidly paved while the principal streets, especially those connecting with the main inter-city thoroughfares, remain in a condition of sad neglect. A street improvement program based upon an exhaustive survey of traffic movements and needs, and then adhered to, will avoid such discreditable conditions.

The street improvement program is not complete if it stops with the initial paving; it should include also a repaving program. No pavement can last forever, and under the strain of heavy traffic few pavements can survive more than a decade. Under light residential traffic the life of a good pavement may be extended to twenty years or more. But the point is that we should realize at the time a pavement is laid down that it will have to be replaced, and that the time of replacement is determinable from the nature of the use to which it is subjected. Repair and maintenance operations will keep a pavement in good condition for a certain length of time; but inevitably the day comes when it is more economical to repave than to repair. Unless, however, there is a definite repaving schedule properly correlated with the original paving program, it is quite probable that the city will continue to mend and patch long after it has ceased to be good business or good engineering to do so.

Repaving

In regard to the financing of paving improvements there is a wide divergence of practice between European and American cities. The cost of paving in Europe is defrayed by appropriations from the general treasury of the city, but most American cities follow the practice of assessing all or part of the cost against the adjacent property. A survey made in 1927 by the Kansas City Public Service Institute, covering eighteen leading American cities, showed that eight of them defray the entire cost of pavement by assessments upon the abutting property; that six of them require the abutting property to pay all but the intersections; and make no special levies upon the property affected. Eleven of these cities assess the cost of repaving against the abutting property just the same as the original paving, three assess only a portion of this cost, and four

How paving costs are met in the United States

do not assess the adjacent property at all. The practices of the eighteen cities covered by this survey are typical of American usages in the financing of street paving.

European and American practice in financing paving costs contrasted

The European practice of meeting the cost of pavements from the general treasury rests upon the hypothesis that paving, wherever located, is a benefit to the whole city and should be charged against the community as a whole. The American practice of special assessments is founded upon the hypothesis that the property directly adjoining a paved street is peculiarly and especially benefited as compared with property on other streets; that its utility and sale value are greatly augmented by the paving of the street; and that it is therefore justifiable to levy the cost of the improvement upon the property benefited. We shall not argue the economic soundness or social justice of these divergent doctrines. In practice both have certain advantages and disadvantages. The European idea has the virtue of enabling the city to proceed with a program of street improvements without much consideration of local sentiments and reactions. Under the special assessment system it is commonly necessary to obtain the consent of a majority of the property or property owners on the street before the improvement can be made; and even when such is not the case no city council would impose such a burden upon property owners without consulting their wishes. Local feeling, therefore, determines the policies of the city. Often a few obstructionists can forestall improvements that are desperately needed not only from the standpoint of the residents of the street but from the standpoint of the whole community. Conversely, ardent local boosters may bring about the improvement of streets unnecessarily and unwisely. Under the European system these consequences are not likely. On the other hand, the special assessment system reduces the chances of pork-barrel politics by compelling each locality to pay for its own street improvements, and also avoids the circumscriptions of municipal tax and debt limitations, as these special levies are not counted in computing tax rates and indebtedness. Under the special assessment plan streets in the well-to-do sections of the city are kept up in good shape, while the streets in the tenement sections whose owners are non-residents are likely to be neglected. But when pavement costs are defrayed out of general revenues, the sections which have the most votes will be the ones most favored.

Of sidewalks little need be said, although they are just as important as pavements. The technical questions in sidewalk-building, such as design, grade, base, composition, etc., belong to the field of engineering. The cement sidewalk has come into well-nigh universal use in American cities, and, if properly constructed, meets most of the requirements of a good sidewalk. Brick and flagstone walks are found in the older American cities and in Europe, but are gradually going out of use. Sidewalks are very commonly charged against the adjacent property.

Sidewalks

The sewer system of the city serves two primary purposes — drainage and sanitation. Drainage would be important enough to justify the outlays for sewers if there were no question of health involved. The sewers of the city carry away street waters resulting from rainfall and melting snow, underground seepages which manage to filter into the sewers, and in addition to this the run-off of the water supply system of the city as used for domestic and industrial purposes. The quantity of sewage discharged through these indispensable organs of elimination is prodigious, and is growing more rapidly than the rate of population growth, the reason being that we are constantly developing new domestic conveniences and new industrial processes which make increased demands upon sewers. It would be interesting, for example, if some mathematical wizard could figure out the increased demand upon our water supplies and sewer facilities occasioned by the development of the electric-powered washing machine for domestic use. Certainly the old-fashioned laundress did not begin to use as much soap and water as these machines do. New developments in sanitary plumbing have also added to the load.

The sewer problem

There are two plans of sewage collection, known as the separate and combined systems. The separate system provides one system of pipes for domestic sewage and a wholly different system for surface waters and industrial wastes. The combined plan carries all sewage in a single system of pipes. Which system is to be preferred is to be determined by local conditions. Only unusual circumstances can justify the construction of two separate sewer systems; but there are conditions which make it both economical and wise to do so. Whether such conditions actually exist can best be determined by a competent sanitary engineer. The topography of the city, the amount and seasonal variation of rainfall, the means of sewage disposal,

Sewerage systems

and various other important factors must be taken into consideration in arriving at a conclusion.

The value of a well-planned sewerage program

The design and construction of sewers are not matters for the layman. The problem is not merely one of engineering and construction but of demographic analysis and prognostication; for sewers are not built for a day. The planner of sewers must look years ahead and calculate the needs of the city as they will be a generation or more hence. "Millions of dollars," says Dr. Upson, "lie buried in useless or partly useless sewers in the streets of American cities because no real wisdom was shown in their planning."[1] Consideration must be given to many factors of a determinative character. Present population, probable rate of future growth, trade wastes as determined by industrial and commercial conditions present and future, topography, drainage areas, rainfall, and the relation of sewage disposal to water supplies — these are some of the factors which must be weighed in planning a sewage system. And not until such studies have been made is it possible to proceed intelligently with questions of trunk and lateral lines, of gradients and velocities, of materials and methods of construction, and other technical matters in sewerage engineering.

Sewage disposal and treatment

The growing necessity for the purification of sewage before disposal has given rise to some of the most difficult problems in the realm of sanitary engineering. Cities situated on the seaboard or on the banks of large streams or lakes have usually been able to discharge their sewage into these bodies of water without purification; but a great many inland cities, not being so fortunate in means of sewage disposal, have been obliged to purify their sewage before its final discharge. This necessity is now becoming almost universal; for with the growth of population and the increasing use of lake and seashore beaches, together with the growing utilization of all water supplies, cities can no longer discharge their sewage into the "great waters" with safety to either themselves or their neighbors.

A discussion of the methods of sewage treatment for purification would take us on a lengthy excursion into the field of bacteriology, for which we have not time. Suffice it to say that the basic principle of almost all of them is to provide sufficient oxygen to sterilize the sewage by normal bacterial processes. The particular method to be adopted is a matter for expert determination. No city should embark upon an expensive

[1] Upson, *The Practice of Municipal Administration*, p. 470.

program of sewage purification without consulting the most competent specialists available.

Street lighting

The importance of street lighting as a means of protection against accident and crime and as a method of facilitating the necessary movements of population after nightfall has been recognized from earliest times; but only recently have we begun to appreciate the value of street lighting in the promotion of business and in the facilitation of recreation. Darkness no longer checks the pulse-beat of urban life as in former times when the fall of night was supposed to see every good citizen safely immured in his own household. Despite the fact that feeble efforts were made to light important thoroughfares and intersections by means of tallow candles and oil lamps, the burgher of a century or so ago, when he ventured abroad at night, went at his own risk. There was not light enough to be of any great benefit, and, being wise in his own day and generation, he usually carried a lantern to supplement the faint illumination of the street lamps. No successful form of street illumination was developed until after the beginning of the last century when gas lighting came into general use. Marvelous though the gas lamp was, as compared with candles and oil lamps, it was nevertheless far from a perfect or satisfactory means of street illumination. It was not until after the introduction of the electric arc lamp, and really not until after the invention and development of the tungsten filament and the gas-filled tungsten bulb, that people began to see what street lighting could mean.

Motor traffic requires efficient street lighting.

For automobile traffic, extensive and effective street illumination is imperative. Unlighted streets or improperly lighted streets are a menace to both motorists and pedestrians; and if the sensational rise of the automobile had not been paralleled by equally amazing developments in the science of illumination, the utility of the automobile on city streets would have been limited to the daylight hours. We now know how to light streets so as to reduce the dangers of night traffic to an inconsequential minimum, but we have been reluctant to incur the expense necessary to put such lighting systems into operation. The time may come, however, when traffic accidents chargeable to poorly lighted streets will be deemed an evidence of gross civic dereliction.

Improved and perfected street illumination is not only essential to modern vehicular traffic but is also a valuable aid to

business and recreation. It becomes possible to transact business at all hours, because both the handicap of darkness is overcome and the movement of population is facilitated by well-lighted streets. Certain types of business profit directly and immediately by this, and all are helped. Confectioners, tobacconists, restaurateurs, druggists, and theater operators are enormously benefited, of course; and even banks, trust companies, and other financial institutions have found it possible to make profitable use of evening business hours made available by well-lighted streets. And all retail stores which make use of window displays profit greatly by their ability to show goods to large numbers of people out of business hours far more effectively than the same goods may be shown by window displays or any other method in daytime. Trucking and hauling may be done at night at a great saving of time and money, and also without inconvenience to the daylight routine of business.

The business value of street lighting

To say that recreation and social intercourse are greatly stimulated by good street lighting is to put the case mildly. Facilities and opportunities for recreation are made available that are impossible when the streets and thoroughfares of the city are shrouded in Stygian blackness from nightfall to daybreak. This applies not only to commercial amusement facilities, such as dance halls and theaters, but to public parks, playgrounds, boulevards, and even beaches. We gain leisure not merely in the sense of release from toil but in the sense of opportunity to come and go and to do things which increase our human contacts and afford means of recreation and enjoyment.

Street lighting facilitates recreation and aids in the control of crime.

Of the importance of street lighting in the maintenance of order and the suppression of crime too much cannot be said. Darkness is a shield to the wicked and a screen to evil-doers. Light frustrates the criminal and restrains the rowdy. The lighter the streets of the city, the easier it is to police them effectively. Careful statistical studies have shown a definite correlation between street illumination and the incidence of crime.

Policies as respects street lighting

Public policies as respects street lighting are of two kinds: policies as to the provision of illumination, and policies as to methods and standards of illumination. The chief point of controversy as to the provision of illumination is whether the city should light its streets by means of a municipally owned

lighting plant or should contract with a private utility company. Cities which own and operate electric light and power plants selling current to private consumers always light their own streets. Cities which have no such electric plants have to choose between the contract system and the operation of municipally owned lighting plants for street illumination alone. The issue here is not quite the same as the question of public *vs.* private ownership of utilities. The city gives the private lighting company a free field as far as domestic consumption is concerned, but has its own plant for street lighting. The chief arguments in favor of this practice are that it is more economical for the city and that such a plant is better able to meet the requirements of the city than a privately owned plant devoted primarily to domestic and industrial service. The validity of these arguments depends upon the size of the municipality and the management of its street lighting plant. In a small city it is scarcely possible that there could be much economy in the maintenance of a lighting plant for street lighting alone; the street area to be lighted would not be sufficient to justify the outlay and the necessary operating costs. On the other hand, it is easily conceivable that a large city with many streets of diverse character and requirements to be lighted could effect extensive savings by the operation of a municipal street lighting plant. Under the system of contracting with a private corporation for street lighting the city is more or less at a disadvantage both as to the terms of the contract and the service rendered under it. There is as a rule, no competing company to which the city may turn in the event of dissatisfaction with existing contract, and the difficulties of securing faithful compliance with the terms of the contract are often sufficient to warrant the investment required for a municipal street lighting plant. Furthermore, it is often quite inexpedient, if not impossible, to reduce to written terms to be binding over any considerable period of time the contractual arrangements between the city and the company; for the city's lighting problems and needs are changing constantly and often very rapidly. The municipally operated plant enables the city to make adjustments without difficulty as needs and conditions change.

Policies of the city as to methods and standards of illumination are conspicuous by their absence. We do not yet appreciate the fact that illumination has become a science ca-

pable of definite utilization in the solution of city problems. The average urban community is not conscious of any serious lighting problems, and therefore has evolved no lighting program. Obvious needs have been met in obvious ways, by scattering street lights here and there as seemed appropriate to the aldermanic mind. Influential citizens and districts have been able to have lights just about as wanted, whether needed or not, and less fortunate portions of the city have groped in darkness. "Great white ways" and their lesser counterparts have been created in response to the demands of business interests, and in many cases they have been much too white and far too long. But as for a consistent and comprehensive lighting program the average city knows no such thing.

The question of methods and standards of illumination

The lighting program of the city should be based upon a careful survey by competent illumination engineers of the city's lighting needs and problems. All streets should be studied and classified according to their lighting requirements. Streets in prominent retail sections need more light than streets in wholesale or residential sections. Arterial thoroughfares, no matter where located, need different lighting, and usually greater illumination than less used streets. Streets in theatrical and amusement districts have peculiar lighting problems that are not found elsewhere. The lighting survey, as suggested above, will determine which portions of each street are to be treated as residential, retail, wholesale, or amusement districts; and upon the basis of this information a plan for lighting the street can be laid out. The exact amount of illumination needed for each particular purpose, and likewise the best mode of providing it, should be reserved for decision by experienced technicians. It is not a matter that can be safely reposed in lay judgment. Experts on illumination are not themselves agreed as to such matters as the lighting intensities required for different kinds of streets, lamp spacings, lamp arrangements, mounting heights, and lamp designs; but even so the expert is much more likely to arrive at sound conclusions than the uninformed and inexperienced layman. The lighting plan for each street, as well as for the city as a whole, must be an elastic affair contemplating always growth and change. Prudent administrators will always attempt to forecast future trends before committing themselves definitively to any plan of illumination.

Essentials of an illumination program

The disposal of municipal wastes, other than sewage, is also a matter that has come in recent years to assume increased importance as a governmental function. The day when the householder could be expected to dispose of his own garbage, ashes, rubbish, and refuse materials has passed. The city must look after waste disposal, and likewise clean the streets and remove the snow in winter. Garbage disposal in the modern city involves two distinct operations and problems. The first has to do with the collection of garbage, and the second with its treatment or disposal after collection. Some cities still permit the indiscriminate mixing of garbage, ashes, rubbish, etc., and dispose of the resulting mixture by dumping or by incineration. The more common practice, however, is to require the separation of garbage, ashes, and other refuse materials, and to collect and dispose of them by different methods. Under this system of separate collection and disposal garbage is usually disposed of by feeding to swine or by reduction or incineration. Some cities operate their own garbage collection service, while a great many still adhere to the older practice of contracting with private individuals and firms to do this work. Garbage collection by private firms under contract with the city has come into disrepute in a great many places owing to corruption and unconscionable profiteering. It is difficult to safeguard the contracts adequately and to supervise the collection service closely enough to avoid serious abuses. This fact has induced a great many cities to turn to municipal collection and disposal. Direct municipal collection is probably no more efficient and possibly no more economical than private collection under contract when the latter method is properly controlled and supervised; but it does seem to offer greater security against graft.

The disposal of municipal wastes

The handling of garbage

The relation of garbage disposal to public health renders it inadvisable for the city to leave that matter entirely in private hands. If the city is small, it may be feasible to rely upon swine feeding to absorb most of the city's garbage, but this is out of the question for a large community. Some few cities are so situated that they have found it possible to dispose of garbage by dumping into the sea or other large bodies of water or by filling low or swampy ground; but these methods of disposal are not available to all cities, and have not been wholly satisfactory in the cities where they have been used. Nearly all large cities, therefore, have been driven to adopt some method of garbage treatment which will render it inoffen-

sive and innocuous. Reduction and incineration are the methods most commonly used. By reduction is meant the cooking of garbage so as to extract greases and render the residue available for fertilizer. Whether garbage reduction pays — that is to say, whether the products can be marketed for a return that will meet any considerable part of the cost of reduction — is highly problematical. Some cities have been fairly successful with garbage reduction, while others have junked garbage reduction plants and abandoned reduction as a complete failure. At the present time there is a marked trend towards incineration or cremation of garbage. From a sanitary standpoint this is by far the most satisfactory method of disposal, and under favorable circumstances it may be no less economical than other methods.

Garbage disposal

The collection and disposal of rubbish involves questions of much the same character as have been discussed in connection with garbage. Collection is either by direct municipal labor or by contract, and the processes are almost identical with those used in garbage collection, except for certain necessary differences in equipment. Disposal of rubbish is not as difficult as is disposal of garbage. Rubbish is more satisfactory for filling, and may be dumped with greater safety. Where filling and dumping are not possible, incineration has been used with considerable success. It has been found possible to salvage a great deal of the material that goes to the rubbish heap, and some cities have been markedly successful with salvaging operations.

Handling rubbish

From the standpoint of the householder the most important matters connected with the collection and disposal of garbage and rubbish are the frequency of the collection, the time of the collection, the duties imposed upon the householder in preparing the materials for collection, and the cost to the householder. A well-organized system of waste collection will provide collection service according to the needs of the district as determined by a careful study of its waste production and collection needs. The intelligent administrator will impose as few duties and inconveniences on the householder as possible. It is fairly easy to get the coöperation of householders in keeping garbage, ashes, and rubbish in different containers, and complying with other simple requirements. But when householders are required to wrap garbage in paper before placing it in the container, to carry containers to the street

Systems of rubbish collection

curb, or perform other burdensome operations, their non-coöperation is likely to defeat the collection system. Most cities nowadays, whether operating under the direct system or the contract system of collection, defray the costs of collection out of general city funds. The older scheme of assessing the cost directly upon the householder was never popular and very often defeated its own ends. Abstractly it may be fair for each household to pay the cost of its own refuse disposal; but the administrative difficulties in such a system are almost insuperable.

Street cleaning

The problem of street cleaning has undergone great modification since the automobile has conquered the horse-drawn vehicle. Animal droppings now constitute a minor part of street dirt. This has greatly simplified the problem of cleaning the streets. The principal sources of street dirt now are papers and refuse thrown on the streets by pedestrians, leaves, dirt and debris from hauling and building operations, soot and dust from the air, and material from the wear of the pavements. The city may clean its streets by city labor employed and organized for that purpose, or it may let the job by contract to private individuals or firms. The former method is the more common and generally the more satisfactory. Private street cleaning firms, even though honest and reliable, have difficulty in adapting themselves to the peculiar variations of the street cleaning problem. It is essentially a governmental task. Street cleaning methods must vary with the type of pavement, the character of the district, and traffic conditions. Machine sweeping and flushing have come into very general use, and on smooth pavements these methods of cleaning are greatly superior to hand sweeping. Hand sweeping is now used only to supplement mechanical methods of cleaning, and to clean roughly paved streets where machines are not effective.

Snow removal

More difficult than the problems of ordinary street cleaning is that of snow removal. Most cities in the temperate zone have this problem to face, and with the substitution of the automobile for the horse-drawn vehicle the problem has grown in magnitude and difficulty. Snow is a serious impediment to motor traffic, and where traffic is heavy it must be removed from the streets. The seasonal character of the problem only adds to the difficulty of meeting it. It is impossible to maintain a snow removal force on an all-year basis, and it is exceedingly difficult to recruit and organize an efficient force in a few

hours' time. The best results have been obtained by maintaining a permanent skeleton force around which as a nucleus a large force can be built by the employment of casual labor as needed. The contract method of snow removal has not been notably successful, because the need for prompt action does not allow time for the city to make suitable arrangements with contractors. The object in snow removal is to get the snow off the streets as quickly and cheaply as possible and with the least possible interference with traffic. The city can as a rule accomplish this by direct labor somewhat more expeditiously and effectively than by contract. Many mechanical devices for snow removal have been tried, and some of them have been reasonably successful. But in severe climates there are invariably snow conditions which will yield to nothing but man-power and shovels.

Municipal construction

All municipal construction work, as well as the operation and maintenance of buildings, sewers, streets, bridges, docks, and the like, call for engineering services. These include the designing or planning of the various constructional projects of the city, the preparation of specifications to be followed by contractors or city building employees, and the inspection of constructional operations to insure adherence to specifications. Every city finds it necessary to have its own engineering department, although many cities find it advisable to employ private consulting engineers for special work. The engineering department of the city should be non-politically organized, and should be operated so as to attract and retain the best engineering talent. Consulting engineers may do conspicuously valuable work for the city, but no consulting engineer or engineer retained on a contractual basis can possibly perform the vital detailed and routine work which is necessary if municipal construction is to have proper engineering control and supervision.

Since a large part of the construction work of the city is done by contract rather than by direct city labor, it may be well to make some comments on contract problems and procedure. Under the direct system the city through its engineering agencies prepares plans for the work and lays down the specifications under which it is to be carried out. Then by purchasing materials and employing the necessary labor force the city does its own work. Under the contract system the city merely prepares the plan and the specifications, and then by contract

employs a private building or construction firm to furnish the materials and do the work. In order to protect its own interests under the contract system the city must overlook no important detail and no vital precaution in the preparation of the plans and the formulation of the specifications. More than this, it must draw the contract in such comprehensive, clear, and appropriate terms as to render it readily enforceable, and must then maintain a rigid and continuous process of inspection to see that the contractors actually follow the terms of the contract.

The contract system *vs.* the direct system

It is quite apparent, then, that construction by contract imposes a heavy tax upon the government of the city. The labor of designing and planning and of drawing up specifications falls upon the engineering department of the city. The technical demands of this task are enormous and exacting, and the political complications are greater than may be imagined. An engineering department contaminated by political forces may deliberately " doctor " its plans and specifications so as to favor contractors who have " influence " in the department. And engineering departments which endeavor to do their work without fear or favor often find themselves hamstrung and blocked by the political machinations of contractors who have sought favors and failed to get them.

Preparing the basis of the contract

The awarding of the contract is also fraught with troublesome problems. The laws usually require the letting of the contract to the lowest bidder — sometimes to the " lowest and best " bidder, or to the " lowest responsible " bidder. The public is so familiar with the stories of scandal and corruption in connection with municipal contracts that there is no need to labor this point. No sure way has been found to prevent bribery, collusion, and other forms of malfeasance in connection with contract-letting. Altogether aside from the matter of fraud and corruption, however, the awarding of contracts is a task that imposes a heavy strain upon official judgment and discrimination. How to stimulate truly competitive bidding? How to be sure that the low bidder is capable of executing the contract? How to avoid dangers of " extras " and supplementary contracts? These are some of the questions for which practical and workable answers must be found. To insure competitive bidding extensive advertising in official publications, trade journals, and newspapers is resorted to. To discourage irresponsible and unreliable bidders a deposit of five

Awarding the contract

or ten per cent of the total bid is required as an evidence of good faith, deposits being returned to unsuccessful bidders after the award has been made. To prevent the vitiation of the contract by subsidiary arrangements rigid and unequivocal specifications are insisted upon.

Inspection

Finally there is the problem of inspection. Thorough and honest inspection of the work at various stages of progress is essential if the city is to have any assurance that the contractor is not "skinning the job." If the city could employ a sufficiently numerous and adequately qualified inspectional staff, and if inspectors employed by the city were indifferent to booze and bribes and other temptations sometimes placed in their way by unscrupulous contracting firms, inspection would undoubtedly suffice to insure faithful compliance with the terms of the contract. Unfortunately we have too rarely perceived the importance of inspection and have intrusted it to untrustworthy and incompetent persons.

After considering the many problems and difficulties of contract procedure one may well wonder whether the city would not profit greatly by the adoption of the direct system. By doing its own constructional work the city could escape the necessity of elaborate and over-rigid specifications, could avoid all of the complications of drafting, awarding, and enforcing contracts, could save the money that goes to the contractor's profit, and could eliminate from municipal politics the vicious influence of the unconscionable and corrupt contracting firms. But might it not fly from these to other ills as bad or worse?

Would the direct system be an improvement?

What assurance have we that the direct system would be free from corruption, extravagance, inefficiency, and pernicious politics? In the purchase of materials and equipment there may be as much chance for graft and corruption as in the letting of contracts. The worst sort of favoritism may prevail in the recruiting of city labor forces, and disastrous laxity may be tolerated in the supervision of construction operations. These are points to be pondered in deciding between the contract and the direct system.

Selected References

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W. B. Munro, *Municipal Government and Administration*, Vol. II, Chaps. XXX, XXXIX.

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Questions and Problems for Discussion

1. Make a survey of three or four principal streets in your city and develop a paving program for those streets which you think would meet the needs of those streets over a period of years.
2. How does the problem of sewage disposal modify the planning of sewer systems?
3. Do you think the business streets of your city are properly lighted? Do you think the residential streets are properly lighted? What improvements do you think might be made in street lighting in your city?
4. Would there be any difference in the feasibility of the contract and direct systems of public works construction as between large and small cities?

CHAPTER XXIV

MUNICIPAL FINANCE

The average mind balks at finance. It is the dull and dismal realm of facts and figures, of statistics and accounts, of dry details and mathematical mysteries. Yet finance is without a doubt the most fundamental subject in the whole process of government, and, if rightly viewed, the most interesting. What can be more vital and more fascinating than to see how the relentless, exigent hand of government reaches deep into the pockets of its ever grumbling subjects, extracts therefrom the pecuniary tribute which political authority is wont to exact in return for its sometimes dubious blessings, and transforms this exaction into definite political processes? What can be more interesting than to pursue the tortuous trail of the dollar through shadowy canyons and tangled undergrowth of politics and administration? What can be more useful than to master the intricacies of that which is the key to the mastery of all governmental operations? It is indispensable to intelligent and constructive citizenship to know and distinguish between sound and unsound financial methods and procedures.

The importance of finance

The fundamental operations of municipal finance, indeed of all public finance, are the same as those of personal or household finance. They consist of three basic processes: (1) getting the money, (2) spending the money, and (3) keeping account of the various transactions involved in getting and spending. Municipal corporations rely mainly upon various forms of taxation for their general revenues, and upon utility earnings and special assessments for their special revenues. In the event of their inability to raise sufficient money by the regular means to meet immediate demands they may, like any private individual, resort to borrowing. Municipalities cannot spend their income with the same informality as a private individual or a private corporation, because the interests concerned are so numerous and the operations proceed upon so vast a scale that extreme precaution is necessary to prevent

The fundamental operations of municipal finance:

abuse of power and misuse of funds. Fundamentally, however, they spend exactly as a person spends, disbursing their moneys in payment for services rendered and in the purchase of commodities used in carrying on the operations of city government. When it comes to keeping accounts, municipalities cannot, of course, use the same methods as private persons, but they have the same underlying purposes. These are to keep a record of all financial transactions, which may serve as a basis for analyzing and interpreting the financial condition of the city, as a means of controlling financial procedure, and as a guide to the formulation of future plans and policies.

All this sounds simple and elementary, and in principle it is just that. But the business of a city is so huge, its affairs are so complicated by law and politics, and its social ingredients are so mixed that the execution of simple financial principles in municipal government is a matter of tremendous intricacy and difficulty. We are obliged, therefore, in order to gain a working knowledge of municipal finance, to probe into the technicalities of municipal getting, spending, and accounting.

I. Getting the money

In raising revenue no city enjoys complete freedom. Cities derive their powers, including of course their financial powers, from the central government, and the latter invariably makes use of its authority to curb and control the acquisitive powers of the municipalities under its jurisdiction. It is not merely that the central government has a solicitous parental interest in the affairs of its municipal subdivisions, but that it cannot overlook the necessity of protecting its own sources of revenue against possible invasion and exhaustion by its prodigal children. Universally, therefore, we find cities kept strictly under rein in the raising of revenues. In European cities this is accomplished in the main by central administrative authorities. Certain central officials are invested with authority to review the financial proposals and operations of municipalities, and to sanction or disapprove as they see fit. The usages vary from country to country but not their effects. They all contrive to keep the city under the tutelage of the central government.

Restrictions on municipal freedom in raising revenues

In England municipal corporations enjoy considerable latitude in selecting and utilizing their own sources of revenue, but are bound to secure the sanction, direct or indirect, of the Ministry of Health, the Board of Trade, or some other central functionary for practically all their loans and for the great

bulk of their undertakings and activities. This gives the central government a most effective means both of checking municipal expenditures and of determining the sources of municipal income. The discretion of the central authorities is generally broad enough and the inhibitive force of their veto great enough to shape the revenue policies of municipalities much as they will. French cities have always been tied fast to the apron strings of the central régime at Paris. Through the prefect, potent proconsul of the central bureaucracy, a close tab is kept on the financial operations of all cities in each department. The prefect passes upon all municipal budgets, strikes out or inserts items, and may under some circumstances impose taxes without the consent of the communal authorities. Specific statutory limitations are few, as the vast authority of the prefect and his superiors renders them unnecessary. Each municipality in France enjoys such powers of raising revenue as may be accorded to it by the general code, applied by the sound discretion of the central authorities. German cities have always had certain taxes assigned to them by general law and presumably have had a certain amount of autonomy for their utilization; but the hand of central administrative authority has lain almost as heavily upon the German city as upon the French. The new municipal code gives no substantial promise of greater financial autonomy. "The framers of the proposed new code," says Professor Munro, "did not see their way clear to include taxation among autonomous affairs. Municipal finance is made dependent on the exigencies of federal and state finance. There seemed to be no alternative, because the heavy burdens laid upon the Reich by the Treaty of Versailles and by the Dawes Plan make it essential that all public resources, of whatever sort, shall be rigidly controlled and conserved. It would be disastrous to give the local governments a free hand in the raising and spending of money, thus possibly impairing the sources which the Reich may draw upon for the settlement of its heavy obligations. Local autonomy in matters of finance has therefore been considerably limited." [1]

Central control of municipal revenue in Europe

Central control of municipal revenues is accomplished in the United States by specific statutory or constitutional limitations upon the taxing or the debt-incurring powers of cities, and sometimes upon both. Tax limitations upon American

[1] Munro, *The Government of European Cities*, p. 359.

cities restrict both the sources and the amounts of municipal taxation. By action of the state legislature, if not by constitutional inhibition, most of the states of the American Union deny cities certain sources of taxation, notably corporation, franchise, excise, and income taxes. The general tax upon real and personal property and various license taxes supply the bulk of the revenues of the average American municipality, and in many instances these sources of revenue must be shared with the state and county governments. Not only are the cities of the United States restricted as to the source of their revenues, but in about five-sixths of the states they are definitely limited as to the amounts of revenue to be derived from sources available to them. These limitations are imposed by statute and are of two principal types: (1) limitations which forbid the city to levy taxes in excess of a stated percentage of the assessed valuation of property within the city, and (2) limitations which forbid the city to levy taxes in excess of a stated percentage of the levy of the year immediately preceding.

Municipal tax limitations in the United States

Limitations of the first type are very popular, and obtain in something more than half of our states. Sometimes they are embodied in the state constitution, but more often perhaps take the form either of sweeping statutory prescriptions applicable to municipalities generally or of special laws applicable only to certain designated cities. Limitations of the second type are confined to a small number of states, and are generally applied by constitutional prohibition. The taxing power of the city under both types is thus seen to be circumscribed by an inflexible and specific mathematical restriction which cannot be relaxed or modified in any way except by constitutional amendment or action by the state legislature. Under the first plan the city may not levy more than, say, one, two, or three per cent of the amount of its assessed valuation, and there is no prefect, local government board, or other central functionary to give relief from this rule. Under the second plan of restriction the city may not levy to exceed an increase of one, two, three, or some other per cent of the levy of the preceding year no matter how exceptional or extraordinary that may have been.

Municipal debt limitations in the United States

The borrowing power of American cities is likewise curbed by constitutional and statutory limitations. Most of the states have incorporated in their constitutions provisions, reminiscent of the heyday of wildcat finance, forbidding municipalities to

lend their credit to private enterprises; and more than half of the states have established a percentage limitation applied to assessed valuation upon the total indebtedness which may be incurred. Several of the states, not having such fixed debt limits, prohibit cities from incurring in any year debts in excess of the income and revenue for that year. There is a certain degree of flexibility in the operation of debt limitation laws, for it is a common rule that loans for revenue-producing enterprises such as waterworks and electric light plants are not included in the computation of the city's indebtedness. Moneys in sinking funds are also deducted from the gross indebtedness in order to arrive at the net indebtedness to which the limitations apply. There is also provision in many cases for referendum to the people on the question of exceeding the debt limits, and if a stated majority vote in the affirmative, debt limit is set aside as to that particular loan.

The effects of tax and debt limitations

American tax and debt limitations have undoubtedly established the supremacy of the state in financial matters, but whether they have tended to promote prudent, economical, and honest municipal financing is a question that admits of much debate. Very seldom are the experiences of different communities and states strictly or fairly comparable, and very rarely are there instances where the effects of financial limitations can be isolated and studied independently of all other factors contributing to results achieved in municipal finance. The conclusions set forth hereafter are to be taken, therefore, not as unqualified and final generalizations, but rather as tentative observations and deductions following as closely as possible the general drift of scientific opinion.

One of the most emphatically avowed purposes of municipal tax limitations is the promotion of economy in municipal government, and it is certainly a most plausible assumption that the restriction of the city's income would force it to careful husbandry and utilization of its resources. But such has not been the universal experience, and in many cases it appears that tax limitations have acted as an incentive to extravagance. A father placing his son at college upon a fixed allowance may be assured that the youth will not spend in excess of the sum given, but he may be equally sure that the boy will invariably spend the entire allowance. If the allowance is inadequate, the student may be driven to unwise economy; if it is too generous, he will be tempted to unwise and extravagant spending.

The same considerations apply to a city. The parental allowance of the state invites and encourages the city to levy taxes up to the fixed limit whether needed or not, because of a fear, in the first place, that the allowance will be reduced if not regularly spent in full, and because of a feeling, in the second place, that the fixing of a limit is a sanction of that amount as a proper normal outlay. On the other hand, if the fixed allowance should be insufficient to care for the proper and legitimate operating expenses of city government, the city is driven to imprudent borrowing, to evasions and subterfuges, or to the curtailment of important and necessary public services.

Often an incentive to extravagance

A careful study conducted by a special joint committee of the New York legislature in 1920 compared the experience over a period of years of a group of cities under tax limitations with another group of municipalities not so restricted. Strange as it may seem, the record of the unlimited cities was consistently better as to both operating expenses and indebtedness. Similar investigations in other parts of the country have resulted in findings of much the same character. Economy is not born of prohibitions and restrictions, but of faithful adherence to sound procedure and honest purposes, and those basic requisites, it appears, are more likely to hold sway in cities where the responsibility for financial results rests directly and wholly upon the people of the locality and their chosen representatives than in cities where the state undertakes to substitute its judgment for that of the local authorities.

Tax limitations cause trouble in periods of inflation and deflation.

During periods of rising prices and shrinking money values, such as we have experienced since 1914, tax limitations have brought acute distress to many municipalities. They have made it difficult, if not wholly impossible, to increase the compensation of policemen, firemen, and other municipal employees, to provide much-needed improvements and services, and in general to meet any but the most imperative obligations. Unable to get the limitations lifted or to get around them successfully, many cities have been obliged to resort to subterfuges utterly incompatible with sound finance and good management. Borrowing for current purposes, borrowing from sinking funds, multiplying floating debts, juggling accounts, raising age limits in police and fire departments so as to employ or retain older and cheaper men, curtailing services — these are samples of the sort of performance that has become common in municipalities under unduly severe and inelastic tax limitations.

Debt limitations have not on the whole been as perverse in their consequences as tax limitations. That reckless and excessive borrowing has been checked by the barrier interposed by the constitutional or statutory limitations upon municipal indebtedness is generally conceded to be true. It would often be easy for city councils to plunge into an orgy of spending if borrowing were not restricted. The effect of a tax levy is immediate, but a loan postpones the plucking of the tax-payer and lulls him into a state of comfortable indifference. Financing by borrowing, until the distant day of reckoning arrives, seems almost like getting without spending. Debt limitations have had a most salutary effect in counteracting the tendency to shift the burdens of taxation from the present to the future.

Debt limitations have some salutary effects.

Over against this undoubted benefit of municipal debt limitations must be set certain facts of a more questionable character. It appears to be true that debt limitations in some cases have operated to restrain cities from embarking upon programs of municipal ownership. Whether this be a virtue or not, depends upon the wisdom of municipal ownership. The practical and objective student of municipal affairs knows, however, that the wisdom of the city's policy with regard to municipal ownership is not a matter to be determined by dogmatic generalizations but by the special and peculiar facts of each individual case. It is unfortunate and regrettable if fixed debt limits stand in the way of the city's entering upon a program of municipal ownership that is sound and necessary for the welfare of the community, but commendable if the debt limit deters the city from engaging in municipal ownership unwisely and unnecessarily. The trouble is that debt limits operate arbitrarily and inflexibly, without sifting the good from the bad objects of indebtedness. Debt limitation laws not uncommonly contain exemptions favorable to municipal waterworks, and sometimes to one or two other specified utilities; but these exceptions are too few to allow the city a free hand in the shaping of its utility policies. Furthermore, it is a general rule that indebtedness incurred for the acquisition of utilities by purchase is to be included in the computation of aggregate indebtedness. Low debt limits will, therefore, have the effect of curtailing the city's credit to a degree that inhibits the launching of an extensive public ownership program. Such restrictions naturally are not unwelcome to private utility interests.

Some questionable effects of debt limits

Another dubious thing about debt limits is their tendency to discourage pay-as-you-go financing where such a policy is possible and preferable to borrowing. Although it is true, as stated above, that debt limitations have generally had the effect of preventing reckless borrowing, they have also afforded an incentive and a justification for borrowing up to the limit fixed, and thus have tempted cities to borrow whenever they have had a margin to spare within the limit. Such a practice overlooks the obvious economies of the pay-as-you-go policy, which is a practical expedient in a far greater number of cases than the average politician is willing to admit.

Effects of tax and debt limits upon assessment of property

The results of both tax limits and debt limits have proved to be a bit disappointing in regard to the assessment of property. Theoretically it would seem certain that the restriction of taxing and borrowing to fixed percentages of the assessed valuation of property would result in boosting assessments to a point approximating the real value of the property in order to realize the most extensive revenues and borrowings possible. But such has not been the case. In the first place, the assessing officials very frequently are county or state officials, and not wholly amenable to the municipal government. In the second place, the political wrath of the tax-paying public is a potent threat which suffices usually to keep valuations down despite the constant pressure for increased revenues and borrowing capacity.

Certain correlations between tax and debt limits

In examining the financial experience of American municipalities it is interesting to note a certain degree of correlation between tax and debt limitations. The coexistence of tax and debt limitations results generally in the full exploitation of both by cities striving to adjust their financial processes to double circumscription. The tax limits create a temptation and an incentive for borrowing, and then as the city approaches its debt limit it is forced increasingly to turn to taxation, with the result that it quickly approaches its tax limit also. The existence of tax limits with no debt limits or with debt limits either liberal or easily over-ridden by popular referendum invariably produces an unjustifiable and dangerous inflation of the city's indebtedness unless the tax limits are exceptionally generous. When the tax limits are low, the city resorts to borrowing at every convenient opportunity in order to avoid the exhaustion of its tax revenues. The interest and retirement charges on this indebtedness must be taken care of by the tax

revenues, but the effect of this is not noticed at first. After a few years, however, the indebtedness mounts to such a point that the necessary debt charges consume a large and increasing portion of the city's available tax revenues. Once this vicious circle is set in motion there is no way of arresting its effects except through a general readjustment of the city's financial powers, for the more the city borrows the more it is obliged to borrow in order to keep within its tax limits. In 1922 the Ohio Institute of Public Efficiency published a report showing that at that time forty-eight cities in Ohio were obliged to devote more than half of their yearly incomes to debt charges, and that in eight of these cities more than 70 per cent and in four of them more than 80 per cent of the annual tax revenues were so encumbered. This unhappy condition was said to be a consequence of the excessive borrowings to which Ohio cities had been driven by the one per cent tax limitation law of that state.

Sources of municipal income

American and European cities present an interesting contrast in respect to the sources of their annual revenues. American cities on the average derive more than two-thirds of their annual income from direct taxes upon real and personal property, whereas European cities seldom obtain more than one-third of their revenues from this source and rely mainly upon the earnings of municipally owned utilities and various indirect taxes for the bulk of their income. Municipal ownership in the United States proceeds upon the theory that municipally owned utilities should be operated primarily for the benefit of the consumer rather than the taxpayer, and consequently that no earnings should be taken above the amount necessary for the operation and financing of the utility itself. In Europe, on the contrary, it is considered both desirable and proper that municipal utilities should not only pay their own way but also turn in a profit to the city treasury. Indirect taxes in the United States have been largely appropriated by the national and state governments, whereas in Europe many productive forms of indirect taxation are available to municipalities.

Aside from the general property tax the most important sources of revenue for American cities are public utility earnings (about 10 per cent of the total on the average), license (business or occupational) taxes, sharings of state administered taxes, subventions, poll taxes, departmental earnings from

sales and services, charges for highway privileges, and income from investments. By contrast with this list of revenue sources we find that European cities in addition to public utility earnings, resort to the habitation or occupation tax (chiefly in Great Britain), the income tax (chiefly in Germany), sales or net earnings taxes upon business and industry, liquor taxes, commodity taxes upon such objects as foodstuffs, fuel, and building materials, privilege taxes upon signs, posters, street-stands, and the like, and taxes upon privately owned utilities.

Sound essentials of a municipal revenue system:

It is no easy matter to work out and maintain a satisfactory system of municipal revenues. The first problem is the separation of central and local revenues. Theoretically it would be better if the sources of municipal and central revenues could be kept entirely separate and distinct, for when one invades the sphere of the other there is always difficulty in working out a satisfactory basis of division, and furthermore when both draw revenues from one source the burden of taxation is likely to fall with undue severity upon a single object of taxation. To avoid these difficulties numerous attempts have been made in both Europe and the United States to effect a separation of central and local revenues. The results of these experiments afford a basis for the following conclusions: (1) that absolute and complete separation is unattainable, first, because the central government must retain a certain degree of control over local taxation in order to protect its own revenues, and, secondly, because there are few sources of revenue which, taken alone, would be entirely adequate for either the central or the local governments; (2) that partial separation making possible a larger degree of local freedom in adjusting the revenue system of the city to the economic character of the community is both feasible and highly desirable.

1. Separation of central and local revenues

Another difficult problem in working out a system of municipal revenues is administration. Certain taxes cannot, from their very nature, be efficiently administered by municipal machinery alone. This is especially true of taxes upon incomes, inheritances, mortgages, franchises, corporations, businesses, and occupations. It is also true of certain excise taxes, and to a degree at least of direct taxes upon real and personal property. Consequently there has developed during the last few years a pronounced movement in the direction of centralization of tax administration or central supervision and review of local

2. Administrative machinery

tax administration. Machinery for tax administration in the United States is in an increasing number of cases wholly or partially removed from municipal control, and the same tendency is manifest in Europe. This of course adds to the difficulty of segregating and separating central and local revenue sources.

During the past two or three decades, and especially since the rapid rise of price levels incident to the Great War, municipalities all over the world have been hard pressed to find revenues adequate to their needs. The great industrial developments and the consequent concentration of population in urban centers have called for a prodigious expansion of municipal services and improvements. Simultaneously the pecuniary burdens of central government have been kited to unprecedented levels through the necessity of paying for the war. This stupendous increase of central taxation has resulted in a demand for reductions in local taxation at the same time that the demand for increased service from local government has been on the rise. Most cities, therefore, have been driven to explore and exploit many hitherto neglected sources of income. Among these are taxes on signs and billboards, on street-railway advertising, on street encroachments, on the sale of cigarettes and other commodities of the luxury class, and increased earnings from departmental services.

3. Elastic sources of income

For the present, however, all of these newer sources of income must be regarded as supplementary rather than major. The average city, whether the return is adequate or not, must continue to look to the long-established sources of revenue for the principal portion of its income. Few, if any, of the others are capable of yielding a large income to the city because the object of the tax or the charge, as the case may be, is of a nature that cannot survive a heavy contribution to the public treasury. More careful levy and collection of present revenues, better budgeting and accounting, and more rigid control over expenditures will do as much to solve the city's revenue problem as the discovery of virgin and unexploited sources of revenue. About the only other source of relief from the present tax dilemma is to be found in the increased resort of municipalities to special assessments.

Special assessments are so-called because they are charges levied not against all taxable property but only against selected properties which are commonly grouped together in a special

district created for the purpose of making the levy. Special assessments are levied upon a parcel or groups of parcels of property upon the theory that the property owes a special obligation to the public or derives a special benefit from some public improvement constructed in its vicinity. Special levies for the purpose of discharging obligations, as for example to cover the cost of abating nuisances or of underwriting the cost of appurtenances to private property, need not be considered in dealing with the problem of revenues, for they are obviously designed only to meet exceptional and unusual situations. But special levies on the theory of benefit do constitute a highly elastic and important source of revenue. When a sewer is constructed in a certain district, a street is paved, a park is laid out, or any other conspicuous improvement is carried through, it is evident that private property in the vicinage of the improvement is distinctly benefited, and this benefit is usually reflected in the sale value of the property. In principle, therefore, it is quite proper for the city to levy a charge upon property so benefited that is not levied upon other property. Such a levy relieves non-benefited property of an unfair burden and releases for other purposes general tax revenues which would have been consumed in making the improvement. But the use of special assessments has not been confined to the financing of public improvements. American cities in increasing numbers are resorting to this means to defray current expenses for such purposes as street cleaning, sprinkling and oiling of streets, snow removing, planting and caring for shade trees, and collecting and disposing of municipal wastes. Plainly, then, special assessments, if widely used, afford a generous means of amplifying the revenue resources of the city, for they are not counted in computing tax and debt limits.

4. Special assessments as supplementary sources of income

The freedom of the city to employ the special assessment mode of financing depends upon the provisions of the general municipal law. There is no substantial uniformity among the general laws regulating special assessments. Some permit special assessments for specified purposes only; others give the city considerable latitude in determining the purposes for which such assessments may be used. Some forbid the use of special assessments for current expenses; others impose no such restriction. Some allow special assessments to cover costs only; others provide for assessment in proportion to benefit. In the application of these different principles, and in determining

Legal restrictions with regard to special assessments

the spread of the assessment upon the various parcels of property to be included in the assessment district or area, many technical problems arise which are of great importance but are of interest primarily to the specialist. How to decide what should be included in costs, how to measure benefits, and how to apportion benefits and costs among the parcels of property to be assessed are not problems for lay judgment to settle.

Procedure in special assessments

Formerly it was left to the abutting property owners to initiate improvement projects to be financed by special assessments, the initiative taking the form of a petition signed by a majority of the property owners affected. Leaving the matter thus to local option militated against a well-articulated and balanced plan of public improvements. In order to avoid this result the later laws on the subject generally provide for the initiation of a special assessment by the city council, subject to a notice of intention served upon all interested parties, and followed by a public hearing. Sometimes the power to veto any such proposal is left in the hands of the affected property owners to be effected by means of a petition signed by fifty per cent or more of the property owners. The procedure after the project is authorized varies in the different jurisdictions. Plans are prepared by the engineering department of the city, contracts are let, and the work proceeds. The levies are sometimes made in part while the work proceeds, but usually not until it is finished. The city usually makes the collections, often distributed over a term of years, but when the assessment covers costs only, this is sometimes left to the contractor.

Municipal borrowing

Cities, like individuals, have frequent occasion to meet temporary income needs by borrowing. Cash-and-carry financing is an ideal to which it is proper to aspire, but it is hard to realize in actual practice. Cities often find themselves obliged to borrow in anticipation of income which has accrued but is not yet collected or collectible. Likewise they must sometimes borrow in order to finance emergencies caused by floods, conflagrations, storms, epidemics, and the like. Such things cannot be foreseen and provided for in the regular budget, and yet they generally have to be financed as they arise. The great bulk of municipal borrowing, however, is for neither of the foregoing purposes, but to finance permanent public improvements. Many authorities on municipal finance contend that in the long run cities would save money by paying each year's bills as they arise. Mathematically it can be demon-

strated that this is true, but weighty considerations argue against it. In the first place, such a practice would be almost certain to result in a sharply and widely fluctuating tax rate, which would have a deleterious effect upon property values. In the second place, it would result in an inequitable distribution of tax burdens over successive generations of owners and taxpayers. In the third place, it has a tendency to check the development of the city because taxpayers exert their influence to prevent improvements which tend to produce immediate and excessive increases in tax rates.

Municipal borrowing is of two general kinds, short term and long term borrowing. Short term borrowing is for temporary transfers from special funds, warrants issued in excess of available cash, and non-payment of bills. It is an insidious danger unless surrounded by ample safeguards. Too often the ease of short term borrowing and the fact that such debts are not generally included in the figuring of indebtedness under debt limitation laws, tempt the city council into piling up a large floating debt through short term loans. Eventually the city finds itself unable to meet these obligations as they fall due and at the same time it pays higher rates of interest than would be necessary for long term loans. The next move, if possible, is to fund the floating debt and place it on a long-term basis. This relieves the situation, but generally commits the city to the unsound policy of paying for dead horses, spending its money to retire debts for objects long past. Strict charter and statutory limitations or rigid central administrative control have been employed to prevent such abuses in short term borrowing.

Short and long term borrowing

Long term borrowing is accomplished by the sale of bonds, and the indebtedness thus incurred is called the bonded or funded debt of the city, the latter term being used when the bonds are to be retired by means of sinking funds. Long term bonds are of three principal types: term bonds, callable term bonds, and serial bonds. The distinguishing feature of term bonds is that every bond in the entire issue matures at the same fixed time from the date of issue. The usual method of retiring such bonds is by the building up of sinking funds to pay off the whole issue at maturity. Callable term bonds differ from term bonds in that all or part of the issue may at the option of the city be called in and retired before the fixed date of maturity arrives. Such bonds are commonly issued to run for a definite

period, say twenty years, but are callable at the end of shorter periods, as five, ten, or fifteen years. The advantage of the callable bond over the regular term bond is that it affords the city an opportunity, if its financial condition permits, to cut down its debt charges by retiring its bonds before the full length of their initial term has run. Serial bonds, instead of maturing at a single fixed date from the time of issue, mature in installments, the installments falling due at fixed intervals after the date of issue.

Considerations in determining bonding policy

In determining which method of bonding to employ, the city must be governed by the following considerations: (1) the interest costs, (2) the administrative difficulties, and (3) the marketability of the various types of bonds. In the aggregate, interest costs are always greater when straight term bonds are used, because the city pays interest upon the whole debt for the entire term of the issue. This, however, may be offset by the interest earned upon sinking funds, so that the net cost of interest is far below the aggregate cost. But the management of sinking funds involves serious administrative difficulties. Moneys appropriated to sinking funds must be safely and prudently invested, must be carefully accounted for, and must be amply safeguarded. No little administrative machinery and no small amount of official red tape are essential to the realization of these objects, and there are unavoidable hazards owing to mistakes in judgment or unforeseeable contingencies in the financial world no matter how honest and careful the sinking fund administration may be. It must be remembered also that municipal bonds are a commodity which the city must sell on the open market in competition with other securities, and that in order to realize low discount and interest rates the city must offer bonds of the type making the strongest appeal to the investing public. Styles and tastes in investments change much as they do in other human interests, and the financial officers of the city should study the market carefully before adopting a bonding policy.

Special advantages of serial bonds

Contemporary opinion among authorities on municipal finance tends to favor the serial type of bond over all others. Serial bonds save interest, because the interest bill is reduced every time an installment of bonds is retired. The heaviest interest charges fall in the early years of the issue, and likewise in the early years of the improvement for which the loan was floated. As the years go on and depreciation sets in, the

interest charges progressively fall as the worth of the improvement declines. Serial bonds dispense with the necessity of sinking funds and the complications and hazards involved in their administration. It is also claimed that serial bonds enable the city to market its bond offerings most advantageously. It can appeal to both the small and the large investor, to the short term and the long term investor, and can offer greater security as to both principal and interest. The validity of some of these alleged points of advantage may be open to doubt, at least on mathematical grounds, but the practical superiority of serial bonds from the standpoint of administration is no longer subject to challenge.

Sinking funds

The subject of municipal borrowing should not be dismissed without a few words on the subject of sinking funds. The universal practice of municipalities until the advent of the serial bond during the past few years has been to retire their bonded indebtedness by means of sinking funds. In theory and principle nothing is simpler and sounder than the sinking fund method of retirement. The city borrows, let us say, $500,000 to be repaid at the end of thirty years. Actuarial computations are then made to ascertain the annual payments accumulated on a compound interest basis which would be necessary to equal $500,000 in thirty years' time. The city then establishes a sinking fund for this particular bond issue, provides for the necessary annual payments, and undertakes to invest them and the interest earned by them so as to realize the necessary $500,000 at the maturity of the bond issue.

Abuses connected with sinking funds

There is nothing wrong with this system of retiring municipal indebtedness save that it seldom works strictly according to theory. Corrupt and dishonest city administrations have been known to rifle the sinking funds by investment of the funds in worthless or fraudulent securities. Honest and well-intentioned city administrations have been known to undermine the sinking funds through financial incompetence in making and shifting investments. Sincere and well-meaning city administrations, in times of emergency or seeming emergency, have been known to deplete the sinking funds by transfer of sinking fund moneys to other uses in excess of the city's probable or possible ability to replenish the sinking funds. Financial exigencies unpredictable over a long period of years, such as falling rates of interest or radical shrinkages in the market values of investment securities, have been known to wreck the

most careful and honest sinking fund calculations and result in sinking fund shortages at the maturity of the bond issue. It is for reasons such as these that modern authorities on municipal finance advise extreme caution and elaborate safeguards in the use of sinking funds, and prefer as a rule the serial bond method of financing, which eliminates the necessity of sinking funds.

II. Spending the money

All the processes and problems considered thus far have to do with the getting of money for the use of the city. We now turn to the opposite phase of municipal finance, namely, spending. Municipal spending involves four basic processes — appropriating, purchasing, administering payrolls, and disbursing.

Appropriation procedure

In order to protect the treasury of the city against irresponsible and reckless spending it is a universal requirement, imposed either by charter or statute, that no moneys may be drawn from the treasury except in pursuance of a formal act of the legislative body. Such acts, because they set aside, authorize, and order the spending of specified amounts of money for certain designated objects, are known as appropriations. City charters and municipal codes very generally regulate appropriation procedure by restrictions designed to secure publicity and careful deliberation. It is often forbidden to pass an appropriation measure in the same meeting of the council in which it is introduced, the proposal being required to lie over for a week or longer. It is often required that the measure shall be read a certain number of times, or be printed and placed on the desks of the members before its passage, and that a roll-call vote be taken and the yeas and nays recorded. Limitations are sometimes imposed upon the freedom of individual members to introduce appropriation measures, and time limits, fixing a final date for the introduction of appropriation measures, are also resorted to. Most cities nowadays have adopted some form of the executive budget system, the essence of which is the setting up of appropriation procedure which throws the initiative in all matters of spending upon the chief executive and strictly limits the actions of the legislative body. The executive budget system will be discussed later.

All appropriations have the effect of authorizing the spending of money either for purchasing things for the use of the city or paying municipal officials and employees to render services to the city. Cities purchase innumerable things — land, buildings, supplies, materials, equipment, contract services, insurance, the use of money. Certain officials are empowered to act

for the city in negotiating and carrying through the transactions which result in these purchases. In the case of purchasing the use of money (borrowing), the council authorizes and the director or commissioner of finance carries out the transaction. If it is done by sale of bonds, the necessary steps are strictly regulated by law. If it is a temporary loan from a bank, the procedure may be less formal. In the buying of insurance the procedure is frequently for the council to authorize the head of the department of finance or other officials to place the policies and then appropriate the sums necessary to meet the premium charges. Many cities, however, require competitive bidding for insurance contracts, and let to the lowest bidder. Other contract services, such as telephone, electric light, and transportation, are handled in much the same way as insurance. The purchase of land is usually carried through by special act of the city council, although the preliminary negotiations may be conducted by one or more of the executive departments.

Municipal purchasing

The purchase of supplies, materials, and equipment has been one of the most troublesome problems in the entire range of municipal administration. Land purchases occur rarely, and when they do come they are of sufficient importance to demand and obtain the attention of the entire city council and the leading executive officials of the city. Much the same is true of loans, insurance, and the major contract services generally. But supplies, materials, and equipment are daily requirements of every office, institution, and agency of the city government in quantities ranging perhaps from a few lead pencils to many tons of coal. Nearly every commodity that the human mind can imagine some department of the city government has to use. It used to be the common practice to allow each administrative unit to do its own purchasing, placing at its disposal a sum of money estimated to be sufficient for its needs. Each department, division, agency, and institution thus went ahead and bought when and what it saw fit. It pitted its judgment, generally amateur judgment, against the expert knowledge of the salesman. It paid high prices for small quantities of goods because it was not buying enough to get the benefit of wholesale prices and trade discounts. It bought without reference to market trends, trade conditions, or business usages. It frequently was guilty of the blunder of overbuying and underbuying. It failed very often to get the benefit of competitive

bidding. And, sad to relate, many times it has been discovered that one or more of the employees engaged in such indiscriminate buying was guilty of corrupt collusion with salesmen to defraud the city.

Importance of central purchasing

The remedy for these conditions has been found in the introduction of central purchasing. Under this system a central purchasing bureau or department is established with authority to do the purchasing for all departments and agencies of the city government. This bureau is staffed by experts who know market conditions, understand commodity fluctuations, and make a business of buying and nothing else. Each administrative unit submits to the purchasing bureau estimates of its anticipated annual needs in the way of supplies, materials, and equipment, and the purchasing bureau then does its buying with reference to the needs of the city government as a whole. Non-perishable commodities are purchased on the most favorable market and stored until needed, and perishable commodities are purchased as currently as required. Each consuming department applies to the purchasing department by requisition for the supplies, materials, and equipment called for in its budget.

The advantages of central purchasing may be enumerated as follows:

1. It centralizes and unifies responsibility for all purchasing operations, and thus eliminates all duplication of purchasing personnel.

2. It results in having all purchases made by experts who are familiar by training and experience with commodity markets and trade usages, and who are better able to buy economically and advantageously than inexpert officials whose chief attention must be given to other matters.

3. It makes possible the standardization of commodities used by the city government in its various divisions, and thus insures the purchase of goods of more uniform and better quality.

4. It enables the city to buy in large quantities and thus get the benefit of low prices and trade discounts.

5. It enables the city to get the benefit of real competitive bidding.

6. It makes possible the buying of the quantities of goods required by the city government on the basis of the consumption of all departments, and thus reduces the danger of overbuying or underbuying.

7. It cuts down the chances for graft and venality in purchasing.

8. It facilitates accurate accounting for all moneys spent for supplies, materials, and equipment.

Payroll procedure

Approximately two-thirds of the annual expenditures of the average city go for the salaries and wages of municipal employees. Obviously, then, unless there is some appropriate and effective means of checking and controlling disbursements on account of salaries and wages, grave abuses may occur through padding the payrolls with fictitious names, through falsifying the working time, and through irregularities in accounting. To avoid these consequences several expedients may be used. First there must be an official payroll, checked by the civil service commission or other employing authority, and containing only the names of persons properly and legally inducted into the service of the city. As evidence of such induction there should, first, be a document on record in the office of the city comptroller for every employee whose employment has the proper legal sanction, such document to be prepared by the employing office and checked independently by the comptroller and the civil service commission. Second, there must be a time report prepared and verified by the employing department showing the time on duty of each employee on the payroll for the period for which payment is to be made. This must be checked against the payroll. Third, there must be a document showing the amount paid to each employee and the authority for such payment, and this should be properly checked by the comptroller. Fourth, there must be a careful audit of the foregoing documents before pay checks or pay envelopes are prepared.

Disbursing

The final act in the spending of public moneys is disbursing. Except for petty cash very little of the city's money is disbursed in cash payments. The dangers of inaccuracy and irregularity in cash disbursement are too great to be risked. To safeguard against these dangers a system of internal audit control and payment by check has been worked out and adopted by cities having a sound conception of financial procedure. The moneys of the city are in the custody of the city treasurer, who may make no disbursement without legal authorization. The various spending officials are authorized by the appropriation acts to draw upon the treasury in certain amounts for certain specified purposes. In order to have a formal and per-

manent record of the transaction the spending officer is required to present his demand for payment in the form of a voucher, which is simply a document stating the amount to be paid and the appropriation to which it is to be charged. As evidence of the validity of the claim certain documents, as purchase orders or stores receipts, may be attached to the voucher.

The comptroller's audit

It would be easily possible to have the voucher presented directly to the treasurer and paid by him according to his own findings as to its validity. For greater safety, however, most cities interpose between the spending official and the treasurer an independent audit of the claim to be performed by the comptroller. The spending official forwards the voucher with supporting documents to the comptroller, who makes an investigation to ascertain whether there was an appropriation for the purpose in question, whether the claim in question conforms to the provisions of the appropriation act, and whether there are encumbrances upon the appropriation that would preclude the payment of the claim in question. If the comptroller's findings are favorable to the payment of the claim, he gives his approval and draws a warrant authorizing the treasurer to pay. Upon receipt of this warrant the treasurer draws and delivers the check to the payee designated by the voucher and warrant. This procedure, which sounds roundabout and complicated, has been greatly simplified by the introduction in many cities of a voucher-warrant-check form in a single document which passes through the required hands very simply and directly. In disbursement of salaries and wages to employees the payroll document serves the function of the voucher and the comptroller's certification serves as the warrant to the treasurer.

III. Accounting for the money

Municipal accounting, the third of the basic phases of financial procedure, is a highly technical and specialized subject, but its general purposes and methods may be described in rather simple terms. The primary purposes of accounting are to furnish an accurate and permanent record of all financial transactions and operations, to produce information that will be useful in interpreting past financial experience and in making future plans, and to afford a basis for more effective control of financial processes on the part of both the city council and the general public. The form of the accounts kept must in the nature of the case be determined by the character of the information that is sought. Generally speak-

ing the matters about which there should be complete records and adequate and intelligible information are: (1) the surpluses or deficits incurred in the year's financial operations, (2) the general bonded debt which the city is free to incur, and the future annual charges on account of existing indebtedness, (3) the expenditures of the past fiscal period, (4) the means by which past expenditures have been financed, (5) the effects of legal restrictions upon expenditures, (6) the management of funds for investment, (7) the liquidation of assets and liabilities, (8) the handling of the city's cash, (9) the acquisition and custody of property, and (10) the condition of utility enterprises owned and operated by the city.[2]

By means of a system of interrelated registers, journals, and ledgers, far too elaborate and complicated for brief description, accounts of these important matters may be kept. These accounts are nothing more than classified information based upon recorded facts in daily financial operation. Utilization of this information makes possible a scheme of financial reporting which may afford an excellent means of analyzing, comparing, and interpreting past experience, and of forecasting future trends. Such reports also make possible a close check upon the integrity and efficiency of administrative officials, and provide a means whereby such officials may be held accountable for their acts. Such reports are also an indispensable element in the operation of a sound budget plan.

Why we have had chaotic procedure in municipal finance

It might be supposed that cities, like private business corporations, would be driven to institute orderly, systematic, and business-like financial procedure that would definitely fix responsibility and compel adherence to sound principles and practices. Until very recent times, however, that has not been the case, at least not in the United States. The power to raise revenues and make appropriations has been lodged in the city council with no apparent thought of safeguards and restrictions that would force the city to plan its spending program carefully in conformity with real needs and available income. The council has been demoralized by log-rolling politicians and predatory special interests, and has lacked the leadership to resist these baneful influences. Heads of administrative departments, instead of striving for economy have vied with one another in lobbying for appropriations in behalf of their respective departments whether needed or not. Expenditures

[2] Adapted from Buck, *Municipal Finance*, p. 146.

have been authorized heedlessly, recklessly, even corruptly, and with little or no thought of the income available to meet them or the possible effect upon the tax rate. Appropriations have been made in lump sum with little or no attempt to ascertain the details for which the money was to go. Continuing appropriations have gone on year after year with no regard whatever to changing conditions or unforeseen contingencies. The future has been mortgaged by borrowing unjustifiably and in excess of reasonable needs. Deficits have been met by robbing Peter to pay Paul and by robbing Paul to repay Peter.

Many reasons may be cited for the loose and deplorable practices which have characterized municipal finance, but fundamentally they all boil down to one thing, lack of proper organization to fix responsibility and produce leadership which cannot be easily disregarded or repudiated. It has been taken for granted that the vesting of financial responsibility primarily in the city council would be sufficient to insure good financial management, when it should have been realized that the responsibility of the council could be none other than plural and divided responsibility. Practically every city councilman is the spokesman of a special local interest, and consequently looks at financial matters through colored glasses. So long as he keeps in good standing with his particular constituency it is not incumbent upon him to give much thought to the problems of the city as a whole. And the action of the council, particularly in financial matters, is apt to be a mosaic of concessions to petty local interests. The mayor and the other executive officials of the city, having no responsibility in finance but that of spending what is given them by the council, and being concerned for political or administrative reasons in the upbuilding of their respective departments, tend to become themselves a special interest exerting pressure upon the council for increased appropriations. So the financial processes of city government degenerate into a witch's dance of extravagance and prodigality, and the poor taxpayer bemoans his lot, knowing not why or wherefore.

The executive budget system is the cure for financial disorders.

The cure for this malady of disorganization has been found in the budget system, which has been introduced in hundreds of cities throughout the world during the past three or four decades. The budget system of finance is an outgrowth of the financial experience and practices under parliamentary govern-

ment in England where it has reached its highest perfection. The essentials of the executive budget system may be summarized as follows: (1) centralization of responsibility for preparing and initiating a definite financial plan for each year in the executive head of the government; (2) centering upon the legislative body the function of reviewing and criticizing the plan proposed by the executive and of deciding whether it shall be put into effect with or without modifications; (3) inclusion in the plan as proposed by the executive and adopted by the legislature of all proposals for raising and spending money during the ensuing financial period, and inhibiting all financial proposals not included in the budget plan; (4) execution of the plan by the administrative establishment under a system of accounting control which will insure adherence to the budget plan.

Budget essentials

In city government the mayor or city manager is customarily designated as the official responsible for the initial procedure of budget-making, but in cities having plural executive organization this function may devolve upon the city commission or administrative board as a whole or upon some financial official acting as the agent of the executive body. The first step is the preparation of estimates of income and expenditure. The budget official secures from each tax-collecting and income-receiving agency of the city and from each spending agency a careful estimate of anticipated or needed income and expenditures for the ensuing year. Standard blank forms are provided for the submission of these data, and the estimating officials are presumed to base their estimates upon careful and conservative inquiries which they are willing to defend in the face of attack. The second step is the consolidation and review of the estimates. The chief budget official, having received the various estimates, proceeds to consolidate the estimates of income in one tabular statement and the estimates of expenditure in another. A comparison of the totals of these two statements quickly reveals whether a surplus or a deficit may be expected for the ensuing year. Comparison of these estimates with the experience of the past year or two promptly discloses the causes of any discrepancies which may appear. It is not only the duty of the budget official to make income and expenditure balance, but also to keep expenditures down so that taxes will not have to be increased. He is usually given power, therefore, to conduct hearings at which all esti-

Budget procedure

mating officials must appear and defend their estimates, and also to make changes in the estimates if he finds justification therefor.

When this process of review and revision has been completed, the chief budget official prepares a proposed appropriation bill making provision for all the expenditure needs of the city for the ensuing year as shown by the estimates, and also prepares proposed legislation for the raising of revenues if additional legislation be needed. These proposals he submits to the council, accompanying them with a message in which he explains and defends the proposals presented by him. Along with his budget proposals and message he usually submits a number of financial documents which will enable the council to analyze and interpret his proposals intelligently. Under the best budget practice these include: (1) a balance sheet, showing the city's existing liabilities and its resources for meeting them; (2) a debt statement, showing the amount of the city's gross and net indebtedness and the extent to which its borrowing power under existing legislation is encumbered; (3) a fund statement, showing the condition of all the general and special funds of the city; (4) an operation statement, showing by what financial operations the city's revenues and expenses have accrued during the past two or three financial periods and what may be expected in the future; (5) a surplus or deficit statement, explaining whether there has been an increase or decrease in the current surplus or deficit and the causes therefor; (6) a comparative summary of estimated and actual revenues and expenditures for the past two or three fiscal years as well as the estimated revenues and expenditures for the ensuing year.

Contents of the budget documents

With this array of information before it the council proceeds with the consideration of the budget proposals. The budget proposals are referred to a committee which enters upon an exhaustive and detailed examination of the whole matter. The chief budget official and probably many of the estimating officials are called to appear in the hearings of this committee and supplement the information already provided in the various budget data. This committee then reports its recommendations to the council, which in turn considers and debates the budget proposals in detail. Finally the budget proposals come up for final passage. The council now has before it for adoption a plan embracing every expenditure that will be allowed for the

Adopting the budget

ensuing year and every expedient for raising revenue. It can readily perceive what will be the full effect of its action and where the responsibility lies for everything contained in the budget proposals.

After the adoption of the budget proposals by the council it is the duty of both the council and the administrative establishment to see that their terms are adhered to. Appropriation accounts are set up in the comptroller's books for each item of the budget, and it becomes his duty to refuse to allow any expenditure that does not conform to the terms of the budget as adopted. Before issuing a warrant for any purpose the comptroller checks back against the appropriation accounts, and if he finds that the budget allowance for that particular purpose has already been spent or encumbered, he disallows the request for funds. The comptroller likewise checks upon the collection of revenues to see that the terms of the budget are fulfilled. To take care of unforeseen and exceptional requirements a contingency fund is usually voted in the budget, and it is also generally provided that the council may transfer unexpended and unencumbered balances from one appropriation account to another.

Enforcing the budget

The merits of this system of financial procedure are so obvious as not to require much further discussion. The mayor or other executive head of the city government is forced to assume the responsibility of leadership in the determination of the city's financial policies. There is no dodging this responsibility or escaping its consequences. The council may and properly should challenge the financial programs laid before it by the executive, but the council is not in a position to reject or indiscriminately modify the budget proposals of the executive without having plausible and defensible reasons for so doing. In the last analysis, therefore, the executive is under the necessity of developing an annual financial program capable of withstanding councilmanic criticism. This necessarily entails careful and comprehensive planning, and planning is the Alpha and Omega of wisdom in public finance.

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Questions and Problems for Discussion

1. Find out what proportion of the annual expenditures of your city government are made at the full discretion of the city council and what proportion is controlled by state law.

2. Procure, if possible, the latest financial reports of your city and analyze them to see whether they contain information that has any meaning for the taxpayer.

3. If you were a salesman soliciting business from the city, would you prefer to deal with a single purchasing agent or with a number of different department heads?

4. Is there any fundamental difference between a municipal budget and a household budget? Try to express municipal budget procedure in terms of household finance.

CHAPTER XXV

URBAN DEMOCRACY

City life and city government as we have surveyed their problems in the foregoing pages are seen to resolve themselves into one simple and transcendent problem, which is this: Can the American people, or any people, by democratic processes of government solve the colossal problems incident to modern industrial civilization? Can urban democracy, in other words, successfully cope with the immeasurably baffling difficulties which modern technology is piling up ahead of our political institutions?

Can urban democracy succeed?

There were democracies, or near-democracies, among the cities of antiquity; but as compared with the cities of today their problems were as simple as a school primer compared with an encyclopedia. They had no public school systems to administer, no public utilities to regulate or operate, no armies of policemen and firemen to direct and control, no elaborate health and sanitary codes to enforce, no vehicular traffic to control, no gigantic engineering and constructional enterprises comparable with those of today to carry through, no miscellaneous hordes of industrial robots to guide and govern. But even so they found themselves unequal to the necessities of their situation, incapable of supplying the intelligence and rendering the services essential to government of and by the people. Democracy degenerated into tyranny, and tyranny eventuated in ruin. It was the judgment of Plato, Aristotle, and other master thinkers of the ancient world that the democracies of their day were predestined to failure by reason of their own inherent weaknesses.

Failures of urban democracy in former times

A similar story might be told of the democratic or semi-democratic city states of Italy and western Europe during the mediaeval period — a story of brief and turbulent careers culminating in autocracy and ending in decline and decay. Few of the great political philosophers who adorned this period had any confidence in democracy or believed it capable of serving the needs of their day.

In modern times the rise of urban democracy has paralleled the great industrial metamorphosis which has so profoundly altered the life of the western world during the last century, but its most intensive development has taken place since the dawn of the twentieth century. Despite the tremendous concentration of population in cities and the enormous multiplication of cities caused by that long series of technological advances which we call the Industrial Revolution, the problems of urban government and the general problems growing out of urban conditions prior to 1900 differed only in degree and not in kind from the urban problems of former ages. Self-governing urban peoples then, as always, had serious difficulties to surmount, but they were difficulties consequent upon the intensification of problems inherent in an age-old social order, and not difficulties arising from the advent of an entirely new social system.

Urban democracy and the new day in social and economic life

Since 1900, however, things have happened which portend the rise of a civilization as different from that of a generation ago as 1900 A.D. was different from 1900 B.C. Since the turn of the century the continuity of our cultural development has been abruptly interrupted and diverted to new and uncharted courses. Such unforeseen and profoundly transformative influences as mass production in industry, the corporate integration and progressive depersonalization of management in commerce and industry, the motorization of society, the impact of the moving picture and the radio upon the popular mind, the cumulative effects of compulsory education, and the consequences of our recent and marvellous advances in sanitation and health control are conspiring to undermine every foundation of the old order of things. To describe the full effects of these new forces would exceed the spatial limits imposed by this brief survey, but enough may be said to indicate conclusively that urban democracy is confronted today with the challenge of a new civilization, a new order of life, and a new array of problems.

Mass production, precocious child of the twentieth century, is so recent an addition to our social equipment that we have yet to plumb its possibilities and discover all its consequences. Already, however, we have seen it virtually destroy the labor movement of the last century and enslave millions of men and women to the dreary lockstep of mechanical production. Training, skill, experience, mental alertness, and length of service are

The effects of mass production

no longer the prime requisites of an industrial worker. What the endless chain of machine processes requires is a person whose mind can grasp the few simple operations necessary to the functioning of the machine and whose nervous organization can be speeded up to the feverish tempo of machine-tending. Mass production wants its workers young, offers them little security in their jobs because they can be so easily replaced, sucks out most of their vital energies by the time they reach the age of fifty, and then turns them loose upon society, prematurely aged industrial derelicts. While they are on the job, mass production may compensate them not indecently or altogether inadequately in dollars and cents, but that is its only compensation. It offers nothing to absorb their mental interests, to satisfy their creative, constructive, or initiative impulses, or to stimulate their aspirations for advancement to more responsible positions. The job requires the use of but a small fraction of their mental capacities, a constantly diminishing part of their muscular strength, and an ever more increasing measure of their nervous energies. Virtual robots while on the job, they naturally react violently in their leisure hours from the boredom of their daily routine. What is urban democracy going to do with these multiplying millions who are being fed to the moloch of mass production, or what are they going to do with it? That question becomes more and more disquieting as we consider it in connection with some of the other great forces which are at work in modern society.

The effects of business and industrial combinations

Pace by pace the mechanization of industry has been accompanied by a remarkable enlargement of the units of business and industrial operation and an equally remarkable concentration of corporate control and management. Combination upon combination and merger upon merger are centering the authority of direction and control in the business world in an ever-diminishing number of individuals, and this despite the fact that stock ownership is perhaps more widely diffused than ever before. Management is becoming impersonal, remote, and independent of local feeling or influence. To put it bluntly, mass production is coming under the sway of a financial and industrial oligarchy whose first concern is the stock market and the dividend report. Continued, even though at times artificial, prosperity has averted temporarily a clash between these forces and the submerged masses whose most convenient and most quickly available weapon is their political power. But such a

conflict is not to be avoided permanently unless the economic masters and overlords of the world shall suddenly develop a higher degree of social and political intelligence than they have as yet shown any evidence of possessing. Such a clash, if it should come, would test as by fire and acid the institutions of modern urban democracy, for the most critical battles of this titanic social struggle would be fought in the cities.

The effects of the automobile, the movie, and the radio

The most revolutionary invention of modern times is unquestionably the automobile. It has done more to undermine the traditional institutions lying at the foundation of our civilization than any one thing that has happened since history began to be written. Under the calescent speed of a motorized society the historic solidarity of the family is melting away; under the pressure of the same force the church is suffering a marked decline of social influence and authority; under the same influence old standards of living and crystallized habits of life are being completely swept away; under the same transforming force most of the long-established usages and methods of business are being modified or abandoned; the very physical features of our cities and of the surrounding countryside are being profoundly and permanently altered. The mass of people are on the move today as never before in history, constantly and restlessly on the move. Mobility has released the people from the old limitations of time and place, and in so doing has outmoded most of the respectable conventions of the older social systems and thereby greatly weakened their effectiveness as instruments of social control. Closely akin to the effects of the automobile are those of the moving picture and the radio. If the automobile has blessed the people with physical mobility, the movie and the radio have in their turn conferred the boon of mental mobility. The man in the street today may see and hear what the man in every street sees and hears the whole world 'round, and in so doing he becomes less certain of the eternal verities of his own social system, unmoored, overstimulated, and perhaps increasingly unstable. Such are the sovereign, self-governing people upon whom the future success of urban democracy depends. What can we expect of such a people? What will be their response in the desperate crises which the future holds for the democratic system of governnment?

Ominous, too, is the fact that in the United States at least urban population is beginning to show some of the effects of

the intensive application of the system of compulsory education during the last generation or so. During the time that we have been evolving an economic system that dooms the great mass of people to precarious and stupefying servitude in the massive operations of factories, department stores, chain retail establishments, and other business enterprises conducted in large organization units we have also been forcing upon our people, through compulsory education, an ever mounting quantum of literacy, if not learning. We have now an urban proletariat that can read and write, one that feeds upon the newspapers, the tabloids, and the popular magazines and is educated thereby to aspire to a higher scale of comfort and luxury than its economic servitude often permits it to attain. What will be the fate of democracy in the hands of such a proletariat? Will education sober and stabilize the industrial masses or will it excite them to disorder and destruction?

The effects of compulsory education

Along with the disturbing developments mentioned in the preceding paragraphs we should note the fact also that the twentieth century has witnessed an amount of progress in the science of sanitation and health control which makes not only possible but practically certain that we shall enormously curtail the life wastage that has been characteristic of urban society in the past. In fact we have already done so, particularly the wastage occurring in the earlier years of life. We are carrying over now into mature life a constantly growing proportion of the children born and reared in urban environments, and this splendid achievement is coming to constitute an additional complication in our social system, for our progress in controlling and directing the social and economic life of the world has not kept pace with our progress in medicine and hygiene. It is a noble and wonderful thing to save the lives of children, but when the lives so spared are often merely added to that growing human surplusage which cannot be fully absorbed by our economic processes, we may well wonder what the end of it all will be. Already in certain of the more highly urbanized portions of the world the problem of overpopulation has assumed embarrassing proportions, millions of persons being more or less permanently out of employment and dependent upon public assistance. This problem is of course a national as well as a local problem, but it is one of peculiar concern to the city because it chiefly involves urban populations and adds enormously to the difficulties of urban democracy.

The effects of improved control of health conditions

We may well conclude, therefore, that the tasks lying before urban democracy in the next generation or two are not only unprecedented but are vastly more complicated than any the world has faced in previous generations. Stated in brief summary, they include the following: (1) through intelligent social readjustment to bridge the deep and perilous chasm between an obsolete and decadent social economy and one of radically different nature that yet remains to be fully born; (2) through effective community control and direction to find practical and workable solutions for the urgent and fearfully tangled problems of the present period of flux and transition; (3) in a world whose social and economic texture is growing ever more complex, to strive unremittingly for an ever closer approximation of justice in the social and economic relations of men; and (4) to adapt and re-fashion the political mechanisms and processes of contemporary society so that they will be suited to the needs of a new and unforeseen type of human society.

The problems of urban democracy in the future

Can urban democracy succeed in the performance of these supremely trying tasks? That question must be answered and that challenge must be met by the youth who throng our schools and colleges today, for upon them will descend the responsibility of directing the destinies of democracy in the tempestuous years to come.

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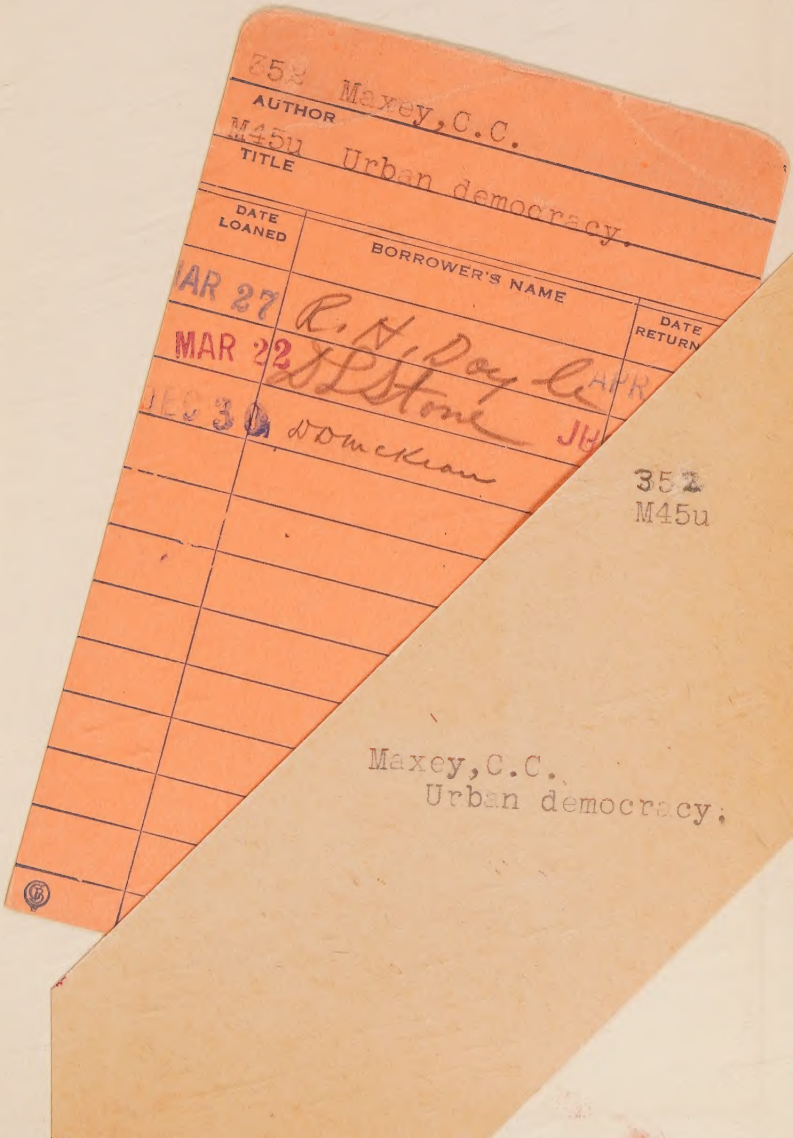

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